# English Translation of Sahîh Muslim

Compiled by:

**Imâm Abul Hussain Muslim Ibn al-Hajjaj**

**Volume 4**

**From Hadith No. 3398 to 4518**

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صحيح مسلم

English Translation of

# Sahîh Muslim

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*In the Name of Allâh,*
*the Most Gracious, the Most Merciful*


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*In the Name of Allāh, the Most Beneficent, the Most Merciful*

بِسْمِ ٱللَّهِ ٱلرَّحْمَٰنِ ٱلرَّحِيمِ

# 16. The Book Of Marriage

# ١ - (المعجم ١٦) - كتاب النكاح (التحفة ٨)

## Chapter 1. Marriage Is Recommended For The One Who Desires It And Can Afford It, And The One Who Cannot Afford It Should Distract Himself By Fasting

## (المعجم ١) - (بَابُ استحباب النِكاح لمن تاقت نفسه إليه ووجد مؤنة، واشتغال من عجز عن المؤن بالصوم) (التحفة ١)

**[3398] 1 - (1400)** It was narrated that 'Alqamah said: "I was walking with 'Abdullâh in Minâ when he was met by 'U<u>th</u>mân. He stood and talked with him and 'U<u>th</u>mân said to him: 'O Abû 'Abdur-Raḥmân, shall we not marry you to a young girl who can remind you of times past?' 'Abdullâh said: 'If that is what you are telling me, (let me tell you that) the Messenger of Allâh ﷺ said to us: O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding one's chastity. And whoever cannot afford it should fast, for it will be a shield for him.'"

**[٣٣٩٨] ١-(١٤٠٠)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْعَلَاءِ الْهَمْدَانِيُّ. جَمِيعًا عَنْ أَبِي مُعَاوِيَةَ - وَاللَّفْظُ لِيَحْيَىٰ - أَخْبَرَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ: كُنْتُ أَمْشِي مَعَ عَبْدِ اللهِ بِمِنًى، فَلَقِيَهُ عُثْمَانُ، فَقَامَ مَعَهُ يُحَدِّثُهُ. فَقَالَ لَهُ عُثْمَانُ: يَا أَبَا عَبْدِ الرَّحْمٰنِ! أَلَا نُزَوِّجُكَ جَارِيَةً شَابَّةً، لَعَلَّهَا تُذَكِّرُكَ بَعْضَ مَا مَضَىٰ مِنْ زَمَانِكَ. - قَالَ - فَقَالَ عَبْدُ اللهِ: لَئِنْ قُلْتَ ذَاكَ، لَقَدْ قَالَ لَنَا رَسُولُ اللهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ! مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ، وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وِجَاءٌ».

**[3399] 2 - (...)** It was narrated that 'Alqamah said: "I was walking with 'Abdullâh bin Mas'ûd in Minâ when he was met by 'Uthmân bin 'Affân who said: 'Come here, O Abû 'Abdur-Rahmân.' He took him aside, and when 'Abdullâh saw that there was no need for that, he said to me: 'Come here, O 'Alqamah.' So I came. 'Uthmân said to him: 'Shall we not marry you, O Abû 'Abdur-Rahmân, to a young virgin hoping that you might regain some of that which you had in the past?' 'Abdullâh said: 'If you are telling me that...'" and he mentioned a *Hadîth* similar to that of Abû Mu'âwiyah (no. 3398).

[٣٣٩٩] ٢-(...) **حَدَّثَنَا** عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ قَالَ: إِنِّي لَأَمْشِي مَعَ عَبدِ اللهِ بْنِ مَسْعُودٍ بِمِنًى، إِذْ لَقِيَهُ عُثْمَانُ بْنُ عَفَّانَ قَالَ، فَقَالَ، هَلُمَّ! يَا أَبَا عَبْدِ الرَّحْمٰنِ! قَالَ: فَاسْتَخْلَاهُ، فَلَمَّا رَأَى عَبْدُ اللهِ أَن لَّيْسَتْ لَهُ حَاجَةٌ قَالَ: قَالَ لِي: تَعَالَ يَا عَلْقَمَةُ! قَالَ: فَجِئْتُ. فَقَالَ لَهُ عُثْمَانُ: أَلَا نُزَوِّجُكَ، يَا أَبَا عَبْدِ الرَّحْمٰنِ! جَارِيَةً بِكْرًا، لَعَلَّهُ يَرْجِعُ إِلَيْكَ مِنْ نَفْسِكَ مَا كُنْتَ تَعْهَدُ؟ فَقَالَ عَبْدُ اللهِ: لَئِنْ قُلْتَ ذَاكَ، فَذَكَر بِمِثْلِ حَدِيثِ أَبِي مُعَاوِيَةَ.

**[3400] 3 - (...)** It was narrated that 'Abdullâh said: The Messenger of Allâh ﷺ said to us: "O young men, whoever among you can afford it, let him get married, for it is more effective in lowering the gaze and guarding one's chastity. And whoever cannot afford it, let him fast, for it will be a shield for him."

[٣٤٠٠] ٣-(...) **حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمٰنِ ابْنِ يَزِيدَ، عَنْ عَبْدِ اللهِ قَالَ: قَالَ لَنَا رَسُولُ اللهِ ﷺ: «يَا مَعْشَرَ الشَّبَابِ! مَنِ اسْتَطَاعَ مِنْكُمُ الْبَاءَةَ فَلْيَتَزَوَّجْ، فَإِنَّهُ أَغَضُّ لِلْبَصَرِ، وَأَحْصَنُ لِلْفَرْجِ، وَمَنْ لَمْ يَسْتَطِعْ، فَعَلَيْهِ بِالصَّوْمِ، فَإِنَّهُ لَهُ وِجَاءٌ».

**[3401] 4 - (...)** It was narrated that 'Abdur-Rahmân bin Yazîd said: "My paternal uncle

[٣٤٠١] ٤-(...) **حَدَّثَنَا** عُثْمَانُ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ

'Alqamah, Al-Aswad and I entered upon 'Abdullâh bin Mas'ûd who said: 'I was a young man in those days,' and he narrated a *Ḥadîth* which he seemed to narrate for my sake. He said: 'The Messenger of Allâh ﷺ said...'" a *Ḥadîth* like that of Abû Mu'âwiyah (no. 3398), and he added: "'It was not long before I got married.'"

عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ يَزِيدَ قَالَ: دَخَلْتُ أَنَا وَعَمِّي عَلْقَمَةُ والْأَسْوَدُ، عَلَىٰ عَبْدِاللهِ بْنِ مَسْعُودٍ. قَالَ: وَأَنَا شَابٌّ يَوْمَئِذٍ. فَذَكَرَ حَدِيثًا رُئِيتُ أَنَّهُ حَدَّثَ بِهِ مِنْ أَجْلِي. قَالَ: قَالَ رَسُولُ اللهِ ﷺ. بِمِثْلِ حَدِيثِ أَبِي مُعَاوِيَةَ. وَزَادَ: قَالَ: فَلَمْ أَلْبَثْ حَتَّىٰ تَزَوَّجْتُ.

**[3402]** **(...)** It was narrated that 'Abdullâh said: "We entered upon him and I was the youngest of the people..." a *Ḥadîth* like theirs (no. 3401), but he did not mention (the phrase): "It was not long before I got married."

**[٣٤٠٢]** (. . .) **حَدَّثَنِي** عَبْدُ اللهِ بْنُ سَعِيدٍ الْأَشَجُّ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا الْأَعْمَشُ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ يَزِيدَ، عَنْ عَبْدِ اللهِ، قَالَ: دَخَلْنَا عَلَيْهِ وَأَنَا أَحْدَثُ الْقَوْمِ، بِمِثْلِ حَدِيثِهِمْ، وَلَمْ يَذْكُرْ: فَلَمْ أَلْبَثْ حَتَّىٰ تَزَوَّجْتُ.

**[3403] 5 - (1401)** It was narrated from Anas that a group of Companions of the Prophet asked the wives of the Prophet ﷺ about what he did in private. One of them said: "I will not marry women." Another said: "I will not eat meat." Another said: "I will not sleep in a bed." He (the Prophet ﷺ) praised and extolled Allâh, then he said: 'What is the matter with people who say such and such? I pray and I sleep, I fast and I break the fast, and I marry women.

**[٣٤٠٣]** **٥-(١٤٠١)** **وَحَدَّثَنِي** أَبُو بَكْرِ بْنُ نَافِعٍ الْعَبْدِيُّ حَدَّثَنَا بَهْزٌ حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ ثَابِتٍ، عَنْ أَنَسٍ أَنَّ نَفَرًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ سَأَلُوا أَزْوَاجَ النَّبِيِّ ﷺ عَنْ عَمَلِهِ فِي السِّرِّ؟ فَقَالَ بَعْضُهُمْ: لَا أَتَزَوَّجُ النِّسَاءَ. وَقَالَ بَعْضُهُمْ: لَا آكُلُ اللَّحْمَ. وَقَالَ بَعْضُهُمْ: لَاأَنَامُ عَلَىٰ فِرَاشٍ، فَحَمِدَ اللهَ وَأَثْنَىٰ عَلَيْهِ فَقَالَ: «مَا بَالُ أَقْوَامٍ قَالُوا كَذَا وَكَذَا؟

Whoever turns away from my *Sunnah* is not of me.'"

لٰكِنِّي أُصَلِّي وَأَنَامُ، وَأَصُومُ وَأُفْطِرُ، وَأَتَزَوَّجُ النِّسَاءَ، فَمَنْ رَغِبَ عَنْ سُنَّتِي فَلَيْسَ مِنِّي».

**[3404] 6 - (1402)** It was narrated that Sa'd bin Abî Waqqâṣ said: "The Messenger of Allâh ﷺ forbade 'Uthmân bin Maẓ'ûn to be celibate. If he had given him permission, we would have gotten ourselves castrated."

[٣٤٠٤] ٦-(١٤٠٢) **وَحَدَّثَنِي** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللهِ ابْنُ الْمُبَارَكِ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ - واللَّفْظُ لَهُ -: أَخْبَرَنَا ابْنُ الْمُبَارَكِ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ قَالَ: رَدَّ رَسُولُ اللهِ ﷺ عَلَىٰ عُثْمَانَ بْنِ مَظْعُونٍ التَّبَتُّلَ، وَلَوْ أَذِنَ لَهُ، لَاخْتَصَيْنَا.

**[3405] 7 - (...)** It was narrated that Sa'eed bin Al-Mûsâyyab said: "I heard Sa'd say: 'He forbade 'Uthmân bin Maẓ'ûn to be celibate. If he had given him permission, we would have gotten ourselves castrated.'"

[٣٤٠٥] ٧-(...) **وَحَدَّثَنِي** أَبُو عِمْرَانَ مُحَمَّدُ بْنُ جَعْفَرِ بْنِ زِيَادٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنِ ابْنِ شِهَابٍ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ قَالَ: سَمِعْتُ سَعْدًا يَقُولُ: رُدَّ عَلَىٰ عُثْمَانَ بْنِ مَظْعُونٍ التَّبَتُّلُ، وَلَوْ أُذِنَ لَهُ لَاخْتَصَيْنَا.

**[3406] 8 - (...)** Sa'îd bin Al-Mûsâyyab narrated that he heard Sa'd bin Abî Waqqâṣ say: "'Uthmân bin Maẓ'ûn wanted to be celibate, but the Messenger of Allâh ﷺ told him not to. If he had allowed him to do that, we would have gotten ourselves castrated."

[٣٤٠٦] ٨-(...) **حَدَّثَنَا** مُحَمَّدُ بْنُ رَافِعٍ. حَدَّثَنَا حُجَيْنُ بْنُ الْمُثَنَّىٰ. حَدَّثَنَا لَيْثٌ عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ؛ أَنَّهُ قَالَ: أَخْبَرَنِي سَعِيدُ ابْنُ الْمُسَيَّبِ؛ أَنَّهُ سَمِعَ سَعْدَ بْنَ أَبِي وَقَّاصٍ يَقُولُ: أَرَادَ عُثْمَانُ بْنُ مَظْعُونٍ [أَنْ] يَتَبَتَّلَ. فَنَهَاهُ

رَسُولُ اللهِ ﷺ. وَلَوْ أَجَازَ لَهُ ذَلِكَ، لَاخْتَصَيْنَا.

## Chapter 2. Recommendation To The One Who Sees A Woman And Is Attracted To Her, To Go To His Wife Or Slave Woman And Have Intercourse With Her

(المعجم ٢) - **(بَابُ ندب من رأى امرأة، فوقعت في نفسه، إلى أن يأتي امرأته أو جاريته فيواقعها)** (التحفة ٢)

**[3407] 9 - (1403)** It was narrated from Jâbir that the Messenger of Allâh ﷺ saw a woman, then he came to his wife Zainab who was tanning a leather, and fulfilled his desire, then he went out to his Companions and said: "A woman comes in the form of a devil and goes in the form of a devil. If one of you sees a woman, let him go to his wife, for that will repel what he feels in his heart."

**[٣٤٠٧] ٩-(١٤٠٣)** حَدَّثَنَا عَمْرُو ابْنُ عَلِيٍّ حَدَّثَنَا عَبْدُ الْأَعْلَىٰ: حَدَّثَنَا هِشَامُ ابْنُ أَبِي عَبْدِ اللهِ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ؛ أَنَّ رَسُولَ اللهِ ﷺ رأَىٰ امْرَأَةً، فَأَتَى امْرَأَتَهُ زَيْنَبَ، وَهِيَ تَمْعَسُ مَنِيئَةً لَهَا، فَقَضَى حَاجَتَهُ، ثُمَّ خَرَجَ إِلَىٰ أَصْحَابِهِ فَقَالَ: «إِنَّ الْمَرْأَةَ تُقْبِلُ فِي صُورَةِ شَيْطَانٍ، وَتُدْبِرُ فِي صُورَةِ شَيْطَانٍ، فَإِذَا أَبْصَرَ أَحَدُكُمْ امْرَأَةً فَلْيَأْتِ أَهْلَهُ، فَإِنَّ ذَلِكَ يَرُدُّ مَا فِي نَفْسِهِ».

**[3408]** (...) It was narrated from Jâbir bin 'Abdullâh that the Prophet ﷺ saw a woman... and he mentioned a similar report (as no. 3407), except that he said: "He came to his wife Zainab who was tanning a leather," and he did not mention (the phrase): "And goes in the form of a devil."

[٣٤٠٨] (...) حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا حَرْبُ بْنُ أَبِي الْعَالِيَةِ: حَدَّثَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ؛ أَنَّ النَّبِيَّ ﷺ رَأَى امْرَأَةً. فَذَكَرَ بِمِثْلِهِ. غَيْرَ أَنَّهُ قَالَ: فَأَتَى امْرَأَتَهُ زَيْنَبَ وَهِيَ تَمْعَسُ مَنِيئَةً، وَلَمْ يَذْكُرْ: تُدْبِرُ فِي صُورَةِ شَيْطَانٍ.

**[3409] 10 - (...)** Jâbir said: "I heard the Prophet ﷺ say: 'If one of you likes a woman and feels attracted to her, let him go to his wife and have intercourse with her, for that will repel what is in his heart.'"

[٣٤٠٩] ١٠-(...) وحَدَّثَنِي سَلَمَةُ ابْنُ شَبِيبٍ: الْحَسَنُ بْنُ أَعْيَنَ: حَدَّثَنَا مَعْقِلٌ عَنْ أَبِي الزُّبَيْرِ قَالَ: قَالَ جَابِرٌ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «إِذَا أَحَدُكُمْ أَعْجَبَتْهُ الْمَرْأَةُ، فَوَقَعَتْ فِي قَلْبِهِ فَلْيَعْمِدْ إِلَى امْرَأَتِهِ فَلْيُوَاقِعْهَا؟ فَإِنَّ ذَلِكَ يَرُدُّ مَا فِي نَفْسِهِ».

## Chapter 3. *Mut'ah* Marriage: It Was Permitted Then Abrogated, Then Permitted Then Abrogated, And It Will Remain Forbidden Until The Day Of Resurrection

## (المعجم ٣) - (بَابُ نكاح المتعة وبيان أنه أبيحَ ثم نُسخ ثم أُبيح ثم نسخ، واستقر تحريمه إلى يوم القيامة) (التحفة ٣)

**[3410] 11 - (1404)** 'Abdullâh said: "We were on a campaign with the Messenger of Allâh ﷺ, and we had no women with us. We said: 'Why don't we get ourselves castrated?' But he forbade us to do that, then he granted us a concession allowing us to marry women in return for a garment, for a set period of time." Then 'Abdullâh recited the verse: "O you who believe! Make not unlawful the Tayyibât (all that is good as regards foods, things, deeds, beliefs, persons) which Allâh has made lawful to you, and transgress not. Verily, Allâh does not like the transgressors."[1]

[٣٤١٠] ١١-(١٤٠٤) حَدَّثَنَا مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ الْهَمْدَانِيُّ: حَدَّثَنَا أَبِي وَوَكِيعٌ وَابْنُ بِشْرٍ عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ قَالَ: سَمِعْتُ عَبْدَ اللهِ يَقُولُ: كُنَّا نَغْزُو مَعَ رَسُولِ اللهِ ﷺ، لَيْسَ لَنَا نِسَاءٌ. فَقُلْنَا: أَلَا نَسْتَخْصِي؟ فَنَهَانَا عَنْ ذَلِكَ، ثُمَّ رَخَّصَ لَنَا أَنْ نَنْكِحَ الْمَرْأَةَ بِالثَّوْبِ إِلَى أَجَلٍ، ثُمَّ قَرَأَ عَبْدُ اللهِ: ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تُحَرِّمُوا۟ طَيِّبَٰتِ مَآ أَحَلَّ ٱللَّهُ لَكُمْ وَلَا تَعْتَدُوٓا۟ إِنَّ ٱللَّهَ لَا يُحِبُّ ٱلْمُعْتَدِينَ﴾ [المَائِدة: ٨٧]

[1] *Al-Mâ'idah* 5:87.

**[3411]** **(...)** A similar report (as no. 3410) narrated from Ismâ'îl bin Abî Khâlid with this chain, and he said: "Then he recited this verse to us," and he did not say: "'Abdullâh recited."

[٣٤١١] (. . .) **وَحَدَّثَنَا** عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ. وَقَالَ: ثُمَّ قَرَأَ عَلَيْنَا هَٰذِهِ الْآيَةَ. وَلَمْ يَقُلْ: قَرَأَ عَبْدُ اللهِ.

**[3412]** **12** **-** **(...)** It was narrated from Ismâ'îl with this chain (a *Hadîth* similar to no. 3410). He said: "When we were young men, we said: 'O Messenger of Allâh, should we not get ourselves castrated?'" And he did not mention: "We were on a campaign."

[٣٤١٢] **١٢**-(. . .) **وحَدَّثَنَاهُ** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ عَنْ إِسْمَاعِيلَ، بِهَٰذَا الْإِسْنَادِ، قَالَ: كُنَّا، وَنَحْنُ شَبَابٌ، فَقُلْنَا: يَا رَسُولَ اللهِ! أَلَا نَسْتَخْصِي؟ وَلَمْ يَقُلْ: نَغْزُو.

**[3413]** **13** **-** **(1405)** It was narrated that Jâbir bin 'Abdullâh and Salamah bin Al-Akwâ' said: "The caller of the Messenger of Allâh ﷺ came out to us and said: 'The Messenger of Allâh ﷺ has given you permission to enter into *Mut'ah* marriages with women.'"

[٣٤١٣] **١٣**-(١٤٠٥) **وَحَدَّثَنَا** مُحَمَّدُ بْنُ بَشَّارٍ حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ، عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: سَمِعْتُ الْحَسَنَ بْنَ مُحَمَّدٍ يُحَدِّثُ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ وَسَلَمَةَ بْنِ الْأَكْوَعِ، قَالَا: خَرَجَ عَلَيْنَا مُنَادِي رَسُولِ اللهِ ﷺ، فَقَالَ: إِنَّ رَسُولَ اللهِ ﷺ قَدْ أَذِنَ لَكُمْ أَنْ تَسْتَمْتِعُوا. يَعْنِي مُتْعَةَ النِّسَاءِ.

**[3414]** **14** **-** **(...)** It was narrated from Salamah bin Al-Akwâ' and Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ came to us and gave us permission for *Mut'ah*.

[٣٤١٤] **١٤**-(. . .) **وَحَدَّثَنِي** أُمَيَّةُ ابْنُ بِسْطَامَ الْعَيْشِيُّ: حَدَّثَنَا يَزِيدُ يَعْنِي ابْنَ زُرَيْعٍ: حَدَّثَنَا رَوْحٌ وهُوَ ابْنُ الْقَاسِمِ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنِ الْحَسَنِ بْنِ مُحَمَّدٍ، عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ وَجَابِرِ بْنِ عَبْدِ اللهِ؛ أَنَّ رَسُولَ اللهِ ﷺ أَتَانَا، فَأَذِنَ لَنَا فِي الْمُتْعَةِ.

**[3415] 15 - (...)** 'Aṭâ' said: "Jâbir bin 'Abdullâh came for *'Umrah* and we went to him where he was staying, and the people asked him about various things. Then they mentioned *Mut'ah* and he said: 'Yes, we engaged in *Mut'ah* at the time of the Messenger of Allâh ﷺ, Abû Bakr and 'Umar.'"

**[٣٤١٥] ١٥-(. . .) وحدّثنا** حَسَنٌ الْحُلْوَانِيُّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ قَالَ: قَالَ عَطَاءٌ: قَدِمَ جَابِرُ ابْنُ عَبْدِ اللهِ مُعْتَمِرًا، فَجِئْنَاهُ فِي مَنْزِلِهِ، فَسَأَلَهُ الْقَوْمُ عَنْ أَشْيَاءَ، ثُمَّ ذَكَرُوا الْمُتْعَةَ. فَقَالَ: نَعَم، اسْتَمْتَعْنَا عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، وَأَبِي بَكْرٍ وَعُمَرَ.

**[3416] 16 - (...)** Jâbir bin 'Abdullâh said: "We used to engage in *Mut'ah* in exchange for a handful of dates or flour, for several days, at the time of the Messenger of Allâh ﷺ and Abû Bakr, until 'Umar forbade it in the case of 'Amr bin Ḥuraith."

**[٣٤١٦] ١٦-(. . .) حَدَّثَني** مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: كُنَّا نَسْتَمْتِعُ، بِالْقُبْضَةِ مِنَ التَّمْرِ وَالدَّقِيقِ، الْأَيَّامَ، عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، وَأَبِي بَكْرٍ، حَتَّىٰ نَهَىٰ عَنْهُ عُمَرُ، فِي شَأْنِ عَمْرِو بْنِ حُرَيْثٍ.

**[3417] 17 - (...)** It was narrated that Abû Naḍrah said: "I was with Jâbir bin 'Abdullâh when someone came to him and said: 'Ibn 'Abbâs and Ibn Az-Zubair disagreed concerning the two *Mut'ah*.'[1] Jâbir said: 'We did them both at the time of the Messenger of Allâh ﷺ, then 'Umar forbade us to do them, and we did not do them again.'"

**[٣٤١٧] ١٧-(. . .) حَدَّثَنَا** حَامِدُ ابْنُ عُمَرَ الْبَكْرَاوِيُّ: حَدَّثَنَا عَبْدُ الْوَاحِدِ يَعْنِي ابْنَ زِيَادٍ، عَنْ عَاصِمٍ، عَنْ أَبِي نَضْرَةَ قَالَ: كُنْتُ عِنْدَ جَابِرِ بْنِ عَبْدِ اللهِ فَأَتَاهُ آتٍ فَقَالَ: ابْنُ عَبَّاسٍ وَابْنُ الزُّبَيْرِ اخْتَلَفَا فِي الْمُتْعَتَيْنِ. فَقَالَ جَابِرٌ: فَعَلْنَاهُمَا مَعَ رَسُولِ اللهِ ﷺ، ثُمَّ نَهَانَا عَنْهُمَا عُمَرُ، فَلَمْ نَعُدْ لَهُمَا.

[1] Meaning, *Tamattu'* in *Ḥajj* and *Mut'ah* marriage.

**[3418] 18 - (...)** It was narrated from Iyâs bin Salamah that his father said: "During the year of Awṭâs, the Messenger of Allâh ﷺ granted a concession allowing *Mut'ah* three,[1] then he forbade it."

[٣٤١٨] ١٨-(. . .) حَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ: حَدَّثَنَا أَبُو عُمَيْسٍ، عَنْ إِيَاسِ ابْنِ سَلَمَةَ، عَنْ أَبِيهِ قَالَ: رَخَّصَ رَسُولُ اللهِ ﷺ، عَامَ أَوْطَاسٍ، فِي الْمُتْعَةِ ثَلَاثًا، ثُمَّ نَهَىٰ عَنْهَا.

**[3419] 19 - (1406)** It was narrated from Ar-Rabî' bin Sabrah Al-Juhanî that his father said: "The Messenger of Allâh ﷺ gave us permission for *Mut'ah*, so I went with another man to a woman of Banû 'Âmir, who was like a young long-necked camel, and we proposed to her. She said: 'What will you give me?' I said: 'My *Ridâ'*.' My companion said: 'My *Ridâ'*.' My companion's *Ridâ'* was better than mine, but I was younger than him. When she looked at my companion's *Ridâ'* she liked it, and when she looked at me she liked me. Then she said: 'You and your *Ridâ'* are sufficient for me.' I stayed with her for three (days), then the Messenger of Allâh ﷺ said: 'Whoever has any of these women with him, with whom he has engaged in *Mut'ah*, he should let her go.'"

[٣٤١٩] ١٩-(١٤٠٦) وَحَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ الْجُهَنِيِّ، عَنْ أَبِيهِ سَبْرَةَ؛ أَنَّه قَالَ: أَذِنَ لَنَا رَسُولُ اللهِ ﷺ بِالْمُتْعَةِ، فَانْطَلَقْتُ أَنَا وَرَجُلٌ إِلَىٰ امْرَأَةٍ مِنْ بَنِي عَامِرٍ، كَأَنَّهَا بَكْرَةٌ عَيْطَاءُ، فَعَرَضْنَا عَلَيْهَا أَنْفُسَنَا، فَقَالَتْ: مَا تُعْطِي؟ فَقُلْتُ: رِدَائِي. وَقَالَ صَاحِبِي: رِدَائِي. وَكَانَ رِدَاءُ صَاحِبِي أَجْوَدَ مِنْ رِدَائِي، وَكُنْتُ أَشَبَّ مِنْهُ، فَإِذَا نَظَرَتْ إِلَى رِدَاءِ صَاحِبِي أَعْجَبَهَا، وَإِذَا نَظَرَتْ إِلَيَّ أَعْجَبْتُهَا، ثُمَّ قَالَتْ: أَنْتَ وَرِدَاؤُكَ يَكْفِينِي، فَمَكَثْتُ مَعَهَا ثَلَاثًا، ثُمَّ إِنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ كَانَ عِنْدَهُ شَيْءٌ مِنْ هَـٰذِهِ النِّسَاءِ الَّتِي يَتَمَتَّعُ، فَلْيُخَلِّ سَبِيلَهَا».

[1] Times or days.

**[3420] 20 - (...)** It was narrated from Ar-Rabî' bin Sabrah that his father went out with the Messenger of Allâh ﷺ to conquer Makkah. He said: "We stayed there for fifteen - thirty between night and day - and the Messenger of Allâh ﷺ gave us permission to engage in *Mut'ah* marriages with women. I went out with a man from among my people, and I had an advantage over him in terms of good looks, as he was almost ugly. Each of us had a *Burd*. But my *Burd* was worn out whereas the *Burd* of my cousin was quite new. When we reached the lower part of Makkah, or the upper part, we were met by a girl like a long-necked young camel. We said: 'Will you let one of us engage in *Mut'ah* with you?' She said: 'What will you give me?' Each of us spread out his *Burd* and she started looking at the two men, and my companion saw her turning away from him. He said: 'This man's cloak is worn out but my cloak is quite new.' She said: 'There is nothing wrong with his cloak,' (she said this) three times or two times. Then I engaged in *Mut'ah* with her, and I did not come out until the Messenger of Allâh ﷺ forbade it."

**[٣٤٢٠] ٢٠-(...) حَدَّثَنَا** أَبُو كَامِلٍ فُضَيْلُ بْنُ حُسَيْنٍ الْجَحْدَرِيُّ: حَدَّثَنَا بِشْرٌ يَعْنِي ابْنَ مُفَضَّلٍ: حَدَّثَنَا عُمَارَةُ بْنُ غَزِيَّةَ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ أَنَّ أَبَاهُ غَزَا مَعَ رَسُولِ اللهِ ﷺ فَتْحَ مَكَّةَ. قَالَ: فَأَقَمْنَا بِهَا خَمْسَ عَشْرَةَ - ثَلاثِينَ بَيْنَ لَيْلَةٍ وَيَوْمٍ - فَأَذِنَ لَنَا رَسُولُ اللهِ ﷺ فِي مُتْعَةِ النِّسَاءِ، فَخَرَجْتُ أَنَا وَرَجُلٌ مِنْ قَوْمِي، وَلِي عَلَيْهِ فَضْلٌ فِي الْجَمَالِ، وَهُوَ قَرِيبٌ مِنَ الدَّمَامَةِ، مَعَ كُلِّ وَاحِدٍ مِنَّا بُرْدٌ، فَبُرْدِي خَلَقٌ. وَأَمَّا بُرْدُ ابْنِ عَمِّي فَبُرْدٌ جَدِيدٌ، غَضٌّ، حَتَّى إِذَا كُنَّا بِأَسْفَلِ مَكَّةَ، أَوْ بِأَعْلَاهَا، فَتَلَقَّتْنَا فَتَاةٌ مِثْلُ الْبَكْرَةِ الْعَنَطْنَطَةِ، فَقُلْنَا: هَلْ لَكِ أَنْ يَسْتَمْتِعَ مِنْكِ أَحَدُنَا؟ قَالَتْ: وَمَاذَا تَبْذُلَانِ؟ فَنَشَرَ كُلُّ وَاحِدٍ مِنَّا بُرْدَهُ، فَجَعَلَتْ تَنْظُرُ إِلَى الرَّجُلَيْنِ، وَيَرَاهَا صَاحِبِي يَنْظُرُ إِلَى عِطْفِهَا، فَقَالَ: إِنَّ بُرْدَ هٰذَا خَلَقٌ وَبُرْدِي جَدِيدٌ غَضٌّ. فَتَقُولُ: بُرْدُ هٰذَا لَا بَأْسَ بِهِ، ثَلَاثَ مِرَارٍ أَوْ مَرَّتَيْنِ، ثُمَّ اسْتَمْتَعْتُ مِنْهَا، فَلَمْ أَخْرُجْ حَتَّى حَرَّمَهَا رَسُولُ اللهِ ﷺ.

**[3421] (...)** Ar-Rabî' bin Sabrah Al-Juhanî narrated that his father said: "We went out with the

**[٣٤٢١] (...) وَحَدَّثَنِي أَحْمَدُ** [بْنُ سَعِيدِ] بْنِ صَخْرٍ الدَّارِمِيُّ: حَدَّثَنَا أَبُو

Messenger of Allâh ﷺ to Makkah during the Year of the Conquest..." and he mentioned a *Ḥadîth* like that of Bishr (no. 3420), but he added: "She said: 'Can that be possible?'" And in (the report) it says: "He said: 'This man's *Burd* is old and worn out.'"

النُّعْمَانِ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا عُمَارَةُ بْنُ غَزِيَّةَ: حَدَّثَنِي الرَّبِيعُ بْنُ سَبْرَةَ الْجُهَنِيُّ، عَنْ أَبِيهِ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللهِ ﷺ عَامَ الْفَتْحِ إِلَىٰ مَكَّةَ، فَذَكَرَ بِمِثْلِ حَدِيثِ بِشْرٍ. وَزَادَ: قَالَتْ: وَهَلْ يَصْلُحُ ذَلِكَ؟ وَفِيهِ: قَالَ: إِنَّ بُرْدَ هَـٰذَا خَلَقٌ مَحٌّ.

**[3422] 21 - (...)** Ar-Rabî' bin Sabrah Al-Juhanî narrated that his father told him that he was with the Messenger of Allâh ﷺ and he said: "O people, I had given you permission to engage in *Mut'ah* marriages with women, but now Allâh has forbidden that until the Day of Resurrection, so whoever has any of them with him, he should let her go, and do not take back anything that you gave to them."

**[٣٤٢٢] ٢١-(...) حَدَّثَنَا** مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عُمَرَ: حَدَّثَنِي الرَّبِيعُ بْنُ سَبْرَةَ الْجُهَنِيُّ أَنَّ أَبَاهُ حَدَّثَهُ؛ أَنَّهُ كَانَ مَعَ رَسُولِ اللهِ ﷺ فَقَالَ: «يَا أَيُّهَا النَّاسُ! إِنِّي قَدْ كُنْتُ أَذِنْتُ لَكُمْ فِي الاسْتِمْتَاعِ مِنَ النِّسَاءِ، وَإِنَّ اللهَ قَدْ حَرَّمَ ذَلِكَ إِلَىٰ يَوْمِ الْقِيَامَةِ، فَمَنْ كَانَ عِنْدَهُ مِنْهُنَّ شَيْءٌ فَلْيُخَلِّ سَبِيلَهُ، وَلَا تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا».

**[3423] (...)** It was narrated from 'Abdul-'Azîz bin 'Umar, with this chain. He said: "I saw the Messenger of Allâh ﷺ standing between the Corner and the door, saying..." a *Ḥadîth* like that of Ibn Numair (no. 3422).

**[٣٤٢٣] (...) وَحَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ عَنْ عَبْدِ الْعَزِيزِ بْنِ عُمَرَ، بِهٰذَا الْإِسْنَادِ. قَالَ: رَأَيْتُ رَسُولَ اللهِ ﷺ قَائِمًا بَيْنَ الرُّكْنِ وَالْبَابِ، وَهُوَ يَقُولُ: بِمِثْلِ حَدِيثِ ابْنِ نُمَيْرٍ.

**[3424] 22 - (...)** It was narrated from 'Abdul-Malik bin Sabrah Al-Juhanî, from his father, that

**[٣٤٢٤] ٢٢-(...) وَحَدَّثَنَا** إِسْحَقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا يَحْيَى بْنُ آدَمَ:

his grandfather said: "The Messenger of Allâh ﷺ permitted us to engage in *Mut'ah* during the Year of the Conquest, when we entered Makkah, then we did not leave Makkah before he forbade us to do that."

حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنْ عَبْدِ الْمَلِكِ بْنِ الرَّبِيعِ بْنِ سَبْرَةَ الْجُهَنِيِّ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: أَمَرَنَا رَسُولُ اللهِ ﷺ، بِالْمُتْعَةِ، عَامَ الْفَتْحِ، حِينَ دَخَلْنَا مَكَّةَ، ثُمَّ لَمْ نَخْرُجْ مِنْهَا حَتَّى نَهَانَا عَنْهَا.

**[3425] 23 - (...)** It was narrated from Sabrah bin Ma'bad that during the year of the conquest of Makkah, the Prophet of Allâh ﷺ permitted his Companions to engage in *Mut'ah* marriage with women. He said: "I went out with a companion of mine from Banû Sulaim, and we found a girl from Banû 'Âmir who was like a long-necked young camel. We proposed marriage to her, and showed her our *Burd*, and she started looking. She found me more handsome than my companion, but she saw that my companion's *Burd* was better than mine. She thought for a while, then she chose me over my companion. They were with us for three days, then the Messenger of Allâh ﷺ ordered us to part company with them."

**[٣٤٢٥] ٢٣-(...) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ الرَّبِيعِ ابْنِ سَبْرَةَ بْنِ مَعْبَدٍ قَالَ: سَمِعْتُ أَبِي، رَبِيعَ بْنَ سَبْرَةَ يُحَدِّثُ عَنْ أَبِيهِ سَبْرَةَ بْنِ مَعْبَدٍ: أَنَّ نَبِيَّ اللهِ ﷺ، عَامَ فَتْحِ مَكَّةَ، أَمَرَ أَصْحَابَهُ بِالتَّمَتُّعِ مِنَ النِّسَاءِ. قَالَ: فَخَرَجْتُ أَنَا وَصَاحِبٌ لِي مِنْ بَنِي سُلَيْمٍ؛ حَتَّى وَجَدْنَا جَارِيَةً مِنْ بَنِي عَامِرٍ، كَأَنَّهَا بَكْرَةٌ عَيْطَاءُ؛ فَخَطَبْنَاهَا إِلَىٰ نَفْسِهَا، وَعَرَضْنَا عَلَيْهَا بُرْدَيْنَا، فَجَعَلَتْ تَنْظُرُ فَتَرَانِي أَجْمَلَ مِنْ صَاحِبِي، وَتَرَىٰ بُرْدَ صَاحِبِي أَحْسَنَ مِنْ بُرْدِي، فَآمَرَتْ نَفْسَهَا سَاعَةً ثُمَّ اخْتَارَتْنِي عَلَىٰ صَاحِبِي، فَكُنَّ مَعَنَا ثَلَاثًا، ثُمَّ أَمَرَنَا رَسُولُ اللهِ ﷺ بِفِرَاقِهِنَّ.

**[3426] 24 - (...)** It was narrated from Ar-Rabî' bin Sabrah, from his father, that the Prophet ﷺ forbade *Mut'ah* marriage.

**[٣٤٢٦] ٢٤-(...) حَدَّثَنَا** عَمْرٌو النَّاقِدُ وَابْنُ نُمَيْرٍ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ، عَنْ أَبِيهِ: أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنْ نِكَاحِ الْمُتْعَةِ.

**[3427] 25 - (...)** It was narrated from Ar-Rabî‘ bin Sabrah, from his father, that on the day of the conquest of Makkah, the Messenger of Allâh ﷺ forbade *Mut‘ah* marriage with women.

**[٣٤٢٧] ٢٥-(...)** [وَ]حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ، عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنِ الرَّبِيعِ بْنِ سَبْرَةَ، عَنْ أَبِيهِ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ، يَوْمَ الْفَتْحِ، عَنْ مُتْعَةِ النِّسَاءِ.

**[3428] 26 - (...)** It was narrated from Ar-Rabî‘ bin Sabrah Al-Juhanî that his father told him that the Messenger of Allâh ﷺ forbade *Mut‘ah* at the time of the Conquest, i.e., *Mut‘ah* with women, and that his father had engaged in a *Mut‘ah* marriage in exchange for two red *Burd*.

**[٣٤٢٨] ٢٦-(...)** وَحَدَّثَنِيهِ حَسَنٌ الْحُلْوَانِيُّ وَعَبْدُ بْنُ حُمَيْدٍ، عَنْ يَعْقُوبَ ابْنِ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ: أَخْبَرَنَا ابْنُ شِهَابٍ عَنِ الرَّبِيعِ بْنِ سَبْرَةَ الْجُهَنِيِّ، عَنْ أَبِيهِ؛ أَنَّهُ أَخْبَرَهُ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ، عَنِ الْمُتْعَةِ زَمَانَ الْفَتْحِ، مُتْعَةِ النِّسَاءِ، وَأَنَّ أَبَاهُ كَانَ تَمَتَّعَ بِبُرْدَيْنِ أَحْمَرَيْنِ.

**[3429] 27 - (...)** ‘Urwah bin Az-Zubair narrated that ‘Abdullâh bin Az-Zubair stood up in Makkah and said: "Allâh has made some people's hearts blind as He has made their eyes blind; they issue *Fatwa* in favor of *Mut‘ah*." He was referring to a man who called him and said: "You are uncouth and lacking in manners. By Allâh, *Mut‘ah* was done during the time of the leader of the pious" - meaning the Messenger of Allâh ﷺ. Ibn Az-Zubair said to him: "Just try to do it yourself. By Allâh, if you do it, I will stone you."

Ibn Shihâb said: "Khâlid bin Al-

**[٣٤٢٩] ٢٧-(...)** وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ، قَالَ ابْنُ شِهَابٍ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ؛ أَنَّ عَبْدَ اللهِ بْنَ الزُّبَيْرِ قَامَ بِمَكَّةَ فَقَالَ: إِنَّ نَاسًا، أَعْمَى اللهُ قُلُوبَهُمْ، كَمَا أَعْمَىٰ أَبْصَارَهُمْ، يُفْتُونَ بِالْمُتْعَةِ، يُعَرِّضُ بِرَجُلٍ. فَنَادَاهُ فَقَالَ: إِنَّكَ لَجِلْفٌ جَافٍ، فَلَعَمْرِي لَقَدْ كَانَتِ الْمُتْعَةُ تُفْعَلُ فِي عَهْدِ إِمَامِ الْمُتَّقِينَ - يُرِيدُ بِهِ رَسُولَ اللهِ ﷺ - فَقَالَ لَهُ ابْنُ الزُّبَيْرِ: فَجَرِّبْ بِنَفْسِكَ. فَوَاللهِ! لَئِنْ فَعَلْتَهَا لَأَرْجُمَنَّكَ بِأَحْجَارِكَ.

Muhâjir bin Ṣaifullâh told me that while he was sitting with a man, another man came to him and asked him about *Mut'ah*, and he gave him permission for that. Ibn Abî 'Amrah Al-Anṣârî said to him: 'Wait a minute!' He said: 'What is it? By Allâh, I did that at the time of the leader of the pious.' Ibn Abî 'Amrah said: 'It was permitted in the early days of Islam, in cases of necessity, like dead meat, blood and pork, then Allâh completed His religion and forbade it.'"

قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي خَالِدُ بْنُ الْمُهَاجِرِ بْنِ سَيْفِ اللهِ: أَنَّهُ بَيْنَا هُوَ جَالِسٌ عِنْدَ رَجُلٍ جَاءَهُ رَجُلٌ فَاسْتَفْتَاهُ فِي الْمُتْعَةِ، فَأَمَرَهُ بِهَا. فَقَالَ لَهُ ابْنُ أَبِي عَمْرَةَ الأَنْصَارِيُّ: مَهْلًا! قَالَ: مَا هِيَ؟ وَاللهِ! لَقَدْ فَعَلْتُ فِي عَهْدِ إِمَامِ الْمُتَّقِينَ.

قَالَ ابْنُ أَبِي عَمْرَةَ: إِنَّهَا كَانَتْ رُخْصَةً فِي أَوَّلِ الْإِسْلَامِ لِمَنِ اضْطُرَّ إِلَيْهَا، كَالْمَيْتَةِ وَالدَّمِ وَلَحْمِ الْخِنْزِيرِ، ثُمَّ أَحْكَمَ اللهُ الدِّينَ وَنَهَىٰ عَنْهَا.

Ibn Shihâb said: "Rabî' bin Sabrah Al-Juhanî told me that his father said: 'At the time of the Prophet ﷺ, I engaged in *Mut'ah* with a woman from Banû 'Âmir, in return for two red *Burd*, then the Messenger of Allâh ﷺ forbade *Mut'ah* to us.'"

قَالَ ابْنُ شِهَابٍ: وَأَخْبَرَنِي رَبِيعُ بْنُ سَبْرَةَ الْجُهَنِيُّ أَنَّ أَبَاهُ قَالَ: قَدْ كُنْتُ اسْتَمْتَعْتُ فِي عَهْدِ النَّبِيِّ ﷺ امْرَأَةً مِنْ بَنِي عَامِرٍ، بِبُرْدَيْنِ أَحْمَرَيْنِ، ثُمَّ نَهَانَا رَسُولُ اللهِ ﷺ عَنِ الْمُتْعَةِ.

Ibn Shihâb said: "And I heard Rabî' bin Sabrah narrating that to 'Umar bin 'Abdul-'Azîz when I was sitting there."

قَالَ ابْنُ شِهَابٍ: وَسَمِعْتُ رَبِيعَ بْنَ سَبْرَةَ يُحَدِّثُ ذٰلِكَ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ، وَأَنَا جَالِسٌ.

**[3430] 28 - (...)** It was narrated that 'Umar bin 'Abdul-'Azîz said: "Ar-Rabî' bin Sabrah Al-Juhanî told me, from his father, that the Messenger of Allâh ﷺ forbade *Mut'ah*, and said: 'It is unlawful from this day of yours until the Day of Resurrection, and

**[٣٤٣٠] ٢٨-(...) وحَدَّثَني** سَلَمَةُ ابْنُ شَبِيبٍ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ: حَدَّثَنَا مَعْقِلٌ عَنِ ابْنِ أَبِي عَبْلَةَ، عَنْ عُمَرَ ابْنِ عَبْدِ الْعَزِيزِ قَالَ: حَدَّثَنِي الرَّبِيعُ بْنُ سَبْرَةَ الْجُهَنِيُّ عَنْ أَبِيهِ: أَنَّ رَسُولَ اللهِ ﷺ

whoever had given them something, he should not take it back.'"

نَهَىٰ عَنِ الْمُتْعَةِ. وَقَالَ «أَلَا إِنَّهَا حَرَامٌ مِنْ يَوْمِكُمْ هَٰذَا إِلَىٰ يَوْمِ الْقِيَامَةِ. وَمَنْ كَانَ أَعْطَىٰ شَيْئًا فَلَا يَأْخُذْهُ».

**[3431] 29 - (1407)** It was narrated from 'Alî bin Abî Ṭâlib that the Messenger of Allâh ﷺ forbade *Mut'ah* marriage with women on the Day of Khaibar, and (he forbade) the meat of domestic donkeys.

**[٣٤٣١] ٢٩-(١٤٠٧) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللهِ وَالْحَسَنِ ابْنَيْ مُحَمَّدِ بْنِ عَلِيٍّ، عَنْ أَبِيهِمَا، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ مُتْعَةِ النِّسَاءِ، يَوْمَ خَيْبَرَ؛ وَعَنْ أَكْلِ لُحُومِ الْحُمُرِ الْإِنْسِيَّةِ. [انظر: ٥٠٠٥]

**[3432] (...)** It was narrated from Mâlik with this chain, and he said: "He heard 'Alî bin Abî Ṭâlib say to so-and-so: 'You are a man who has been led astray. The Messenger of Allâh ﷺ forbade...'" a *Ḥadîth* like that of Yaḥyâ bin Yaḥyâ, from Mâlik (no. 3431).

**[٣٤٣٢] (...) وحَدَّثَنَاه** عَبْدُ اللهِ بْنُ مُحَمَّدِ ابْنِ أَسْمَاءَ الضُّبَعِيُّ: حَدَّثَنَا جُوَيْرِيَةُ عَنْ مَالِكٍ، بِهَٰذَا الْإِسْنَادِ. وَقَالَ: سَمِعَ عَلِيَّ بْنَ أَبِي طَالِبٍ يَقُولُ لِفُلَانٍ: إِنَّكَ رَجُلٌ تَائِهٌ، نَهَىٰ رَسُولُ اللهِ ﷺ، بِمِثْلِ حَدِيثِ يَحْيَى بْنِ يَحْيَىٰ، عَنْ مَالِكٍ.

**[3433] 30 - (...)** It was narrated from 'Alî that the Prophet ﷺ forbade *Mut'ah* marriage on the Day of Khaibar, and (he forbade) the meat of domestic donkeys.

**[٣٤٣٣] ٣٠-(...) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَابْنُ نُمَيْرٍ وَزُهَيْرُ ابْنُ حَرْبٍ، جَمِيعًا عَنِ ابْنِ عُيَيْنَةَ - قَالَ زُهَيْرٌ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ - عَنِ الزُّهْرِيِّ، عَنِ الْحَسَنِ وَعَبْدِ اللهِ ابْنَيْ مُحَمَّدِ بْنِ عَلِيٍّ، عَنْ أَبِيهِمَا، عَنْ عَلِيٍّ: أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنْ نِكَاحِ الْمُتْعَةِ يَوْمَ خَيْبَرَ، وَعَنْ لُحُومِ الْحُمُرِ الْأَهْلِيَّةِ

**[3434] 31 - (...)** It was narrated from 'Alî that he heard Ibn 'Abbâs being lenient about *Mut'ah* marriage with women. He said: "Wait a minute, O Ibn 'Abbâs! The Messenger of Allâh ﷺ forbade it on the Day of Khaibar and (he forbade) the meat of domestic donkeys."

**[٣٤٣٤] ٣١-(. . .) وحَدَّثَنَا** مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ عَنِ ابْنِ شِهَابٍ، عَنِ الْحَسَنِ وَعَبْدِ اللهِ ابْنَيْ مُحَمَّدِ ابْنِ عَلِيٍّ؛ عَنْ أَبِيهِمَا، عَنْ عَلِيٍّ أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ يُلَيِّنُ فِي مُتْعَةِ النِّسَاءِ. فَقَالَ: مَهْلًا، يَا ابْنَ عَبَّاسٍ! فَإِنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْهَا يَوْمَ خَيْبَرَ. وَعَنْ لُحُومِ الْحُمُرِ الإِنْسِيَّةِ.

**[3435] 32 - (...)** 'Alî bin Abî Ṭâlib said to Ibn 'Abbâs: "The Messenger of Allâh ﷺ forbade *Mut'ah* marriage with women on the Day of Khaibar, and (he forbade) the meat of domestic donkeys."

**[٣٤٣٥] ٣٢-(. . .) وحَدَّثَنِي** أَبُو الطَّاهِرِ وَحَرْمَلَةُ [ابْنُ يَحْيَىٰ] قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ، عَنِ الْحَسَنِ وَعَبْدِ اللهِ ابْنَيْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ، عَنْ أَبِيهِمَا أَنَّهُ سَمِعَ عَلِيَّ بْنَ أَبِي طَالِبٍ يَقُولُ لِابْنِ عَبَّاسٍ: نَهَىٰ رَسُولُ اللهِ ﷺ، عَنْ مُتْعَةِ النِّسَاءِ، يَوْمَ خَيْبَرَ، وَعَنْ أَكْلِ لُحُومِ الْحُمُرِ الإِنْسِيَّةِ.

## Chapter 4. The Prohibition Of Being Married To A Woman And Her Paternal Aunt Or Maternal Aunt At The Same Time

## (المعجم ٤) - (بَابُ تحريم الجمع بين المرأة وعمتها أو خالتها في النكاح) (التحفة ٤)

**[3436] 33 - (1408)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'One should not be married to a woman and her paternal aunt, or

**[٣٤٣٦] ٣٣-(١٤٠٨) حَدَّثَنَا** عَبْدُ اللهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ: حَدَّثَنَا مَالِكٌ عَنِ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ

a woman and her maternal aunt, at the same time.'"

قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يُجْمَعُ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا، وَلَا بَيْنَ الْمَرْأَةِ وَخَالَتِهَا».

**[3437] 34 - (...)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade being married to four women at the same time: A woman and her paternal aunt, and a woman and her maternal aunt.

**[٣٤٣٧] ٣٤-(...) وحَدَّثنا** مُحَمَّدُ ابْنُ رُمْحِ بْنِ الْمُهَاجِرِ: أَخْبَرَنَا اللَّيْثُ عَنْ يَزِيدَ بنِ أَبِي حَبِيبٍ، عَنْ عِرَاكِ [ابْنِ مَالِكٍ]، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ أَرْبَعِ نِسْوَةٍ، أَنْ يُجْمَعَ بَيْنَهُنَّ: الْمَرْأَةِ وَعَمَّتِهَا، وَالْمَرْأَةِ وَخَالَتِهَا.

**[3438] 35 - (...)** It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'Do not marry a paternal aunt when you are already married to her brother's daughter, and do not marry the sister's daughter when you are already married to the maternal aunt.'"

**[٣٤٣٨] ٣٥-(...) وحَدَّثنا** عَبْدُ اللهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ عَبْدِ الْعَزِيزِ - قَالَ: ابْنُ مَسْلَمَةَ مَدَنِيٌّ مِنَ الأَنْصَارِ مِنْ وَلَدِ أَبِي أُمَامَةَ بْنِ سَهْلِ بْنِ حُنَيْفٍ - عَنِ ابْنِ شِهَابٍ، عَنْ قَبِيصَةَ بْنِ ذُؤَيْبٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «لَا تُنْكَحُ الْعَمَّةُ عَلَىٰ بِنْتِ الأَخِ، وَلَا ابْنَةُ الأُخْتِ عَلَىٰ الْخَالَةِ».

**[3439] 36 - (...)** Abû Hurairah said: "The Messenger of Allâh ﷺ forbade a man to be married to a woman and her paternal aunt, or to a woman and her maternal aunt."

Ibn Shihâb said: "We think that the maternal aunt of her father

**[٣٤٣٩] ٣٦-(...) وحَدَّثني** حَرْمَلَةُ [بْنُ يَحْيَىٰ]: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي قَبِيصَةُ بْنُ ذُؤَيْبٍ الْكَعْبِيُّ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: نَهَىٰ رَسُولُ اللهِ ﷺ أَنْ

and the paternal aunt of her father come under the same ruling."

يَجْمَعَ الرَّجُلُ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا، وَبَيْنَ الْمَرْأَةِ وَخَالَتِهَا.

قَالَ ابْنُ شِهَابٍ: فَنُرَىٰ خَالَةَ أَبِيهَا وَعَمَّةَ أَبِيهَا بِتِلْكَ الْمَنْزِلَةِ.

**[3440] 37 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'A man should not be married to a woman and her paternal aunt or maternal aunt at the same time.'"

[٣٤٤٠] ٣٧-(...) **وحَدَّثني** أَبُو مَعْنٍ الرَّقَاشِيُّ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا هِشَامٌ، عَنْ يَحْيَىٰ؛ أَنَّهُ كَتَبَ إِلَيْهِ عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ «لَا تُنْكَحُ الْمَرْأَةُ عَلَىٰ عَمَّتِهَا وَلَا عَلَىٰ خَالَتِهَا».

**[3441] (...)** Abû Hurairah said: "The Messenger of Allâh ﷺ said..." a similar *Hadîth* (as no. 3440).

[٣٤٤١] (...) **وحَدَّثني** إِسْحَٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ مُوسَىٰ عَنْ شَيْبَانَ، عَنْ يَحْيَىٰ: حَدَّثَنِي أَبُو سَلَمَةَ؛ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ، بِمِثْلِهِ.

**[3442] 38 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "A man should not propose marriage to a woman to whom his brother has already proposed, and he should not outbid his brother. A man should not marry a woman if he is already married to her paternal aunt or maternal aunt. A woman should not ask for her sister to be divorced so as to deprive her of what is rightfully hers, and so that she may be married in her stead; rather she will have what Allâh has decreed for her."

[٣٤٤٢] ٣٨-(...) **وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ هِشَامٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَخْطُبُ الرَّجُلُ عَلَىٰ خِطْبَةِ أَخِيهِ، وَلَا يَسُومُ عَلَىٰ سَوْمِ أَخِيهِ، وَلَا تُنْكَحُ الْمَرْأَةُ عَلَىٰ عَمَّتِهَا وَلَا عَلَىٰ خَالَتِهَا، وَلَا تَسْأَلُ الْمَرْأَةُ طَلَاقَ أُخْتِهَا لِتَكْتَفِيءَ صَحْفَتَهَا، وَلْتَنْكِحْ، فَإِنَّمَا لَهَا مَا كَتَبَ اللهُ لَهَا».

**[3443] 39 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade marrying a woman when one is already married to her paternal aunt or maternal aunt, (and he forbade) a woman asking for her sister to be divorced so as to deprive her of what is rightfully hers and take it for herself, for Allâh [the Mighty and Sublime] is her Sustainer."

[٣٤٤٣] **٣٩**-(...) **وحَدَّثَني** مُحْرِزُ ابْنُ عَوْنِ بْنِ أَبِي عَوْنٍ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، عَنِ ابْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ أَنْ تُنْكَحَ الْمَرْأَةُ عَلَىٰ عَمَّتِهَا أَوْ خَالَتِهَا، أَوْ [أَنْ] تَسْأَلَ الْمَرْأَةُ طَلَاقَ أُخْتِهَا لِتَكْتَفِيءَ مَا فِي صَحْفَتِهَا، فَإِنَّ اللهَ [عَزَّ وَجَلَّ] رَازِقُهَا.

**[3444] 40 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade being married to a woman and her paternal aunt or maternal aunt at the same time."

[٣٤٤٤] **٤٠**-(...) **حَدَّثَنَا** [مُحَمَّدُ] ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ وَأَبُو بَكْرِ بْنُ نَافِعٍ: - وَاللَّفْظُ لِابْنِ الْمُثَنَّىٰ وَابْنِ نَافِعٍ - قَالُوا: أَخْبَرَنَا ابْنُ أَبِي عَدِيٍّ عَنْ شُعْبَةَ، عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ أَنْ يُجْمَعَ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا، وَبَيْنَ الْمَرْأَةِ وَخَالَتِهَا.

**[3445]... - (...)** A similar report (as no. 3444) was narrated from 'Amr bin Dînâr with this chain.

[٣٤٤٥] (...) **وحَدَّثَني** مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا شَبَابَةُ: حَدَّثَنِي وَرْقَاءُ عَنْ عَمْرِو بْنِ دِينَارٍ، بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ.

## Chapter 5. The Prohibition Of Marriage For One Who Is In *Iḥrâm*, And It Is Disliked For Him To Propose Marriage

## (المعجم ٥) - (بَابُ تحريم نكاح المحرم، وكراهة خطبته) (التحفة ٥)

**[3446] 41 - (1409)** It was narrated from Nubaih bin Wahb

[٣٤٤٦] **٤١**-(١٤٠٩) **حَدَّثَنَا** يَحْيَى

that 'Umar bin 'Ubaidullâh wanted to marry Ṭalḥah bin 'Umar to the daughter of Shaibah bin Jubair, and he sent for Abân bin 'Uthmân, who was the Commander of *Ḥajj*, to attend the wedding. Abân said: "I heard 'Uthmân bin 'Affân say: 'The Messenger of Allâh ﷺ said: The *Muḥrim* should not get married, have a marriage arranged for him, nor propose marriage.'"

ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنْ نُبَيْهِ بْنِ وَهْبٍ: أَنَّ عُمَرَ بْنَ عُبَيْدِ اللهِ أَرَادَ أَنْ يُزَوِّجَ طَلْحَةَ بْنَ عُمَرَ، بِنْتَ شَيْبَةَ بْنِ جُبَيْرٍ، فَأَرْسَلَ إِلَىٰ أَبَانَ بْنِ عُثْمَانَ فَحَضَرَ ذَلِكَ وَهُوَ أَمِيرُ الْحَجِّ. فَقَالَ أَبَانٌ: سَمِعْتُ عُثْمَانَ بْنَ عَفَّانَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَنْكِحُ الْمُحْرِمُ وَلَا يُنْكَحُ وَلَا يَخْطُبُ».

**[3447] 42 - (...)** Nubaiḥ bin Wahb said: "'Umar bin 'Ubaidullâh bin Ma'mar, who had proposed the marriage of his son to the daughter of Shaibah bin 'Uthmân, sent me to Abân bin 'Uthmân who was in charge of the *Ḥajj*. He said: 'I regard him as no more than a Bedouin, for; "The *Muḥrim* should not get married nor have a marriage arranged for him." 'Uthmân narrated that to us from the Messenger of Allâh ﷺ.'"

**[٣٤٤٧] ٤٢-(...)** حَدَّثَنَا مُحَمَّدُ ابْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ نَافِعٍ: حَدَّثَنِي نُبَيهُ بْنُ وَهْبٍ قَالَ: بَعَثَنِي عُمَرُ بْنُ عُبَيْدِ اللهِ بْنِ مَعْمَرٍ، وَكَانَ يَخْطُبُ بِنْتَ شَيْبَةَ بْنِ عُثْمَانَ عَلَىٰ ابْنِهِ، فَأَرْسَلَنِي إِلَىٰ أَبَانَ بْنِ عُثْمَانَ وَهُوَ عَلَىٰ الْمَوْسِمِ. فَقَالَ: أَلَا أُرَاهُ أَعْرَابِيًّا «إِنَّ الْمُحْرِمَ لَا يَنْكِحُ وَلَا يُنْكَحُ». أَخْبَرَنَا بِذَلِكَ عُثْمَانُ عَنْ رَسُولِ اللهِ ﷺ.

**[3448] 43 - (...)** It was narrated from Nubaih bin Wahb, from Abân bin 'Uthmân, from 'Uthmân bin 'Affân, that the Messenger of Allâh ﷺ said: "The *Muḥrim* should not get married, have a marriage arranged for him, nor propose marriage."

**[٣٤٤٨] ٤٣-(...)** **وحَدَّثَنِي** أَبُو غَسَّانَ الْمِسْمَعِيُّ: حَدَّثَنَا عَبْدُ الْأَعْلَى؛ قَالَ: وَحَدَّثَنِي أَبُو الْخَطَّابِ زِيَادُ بْنُ يَحْيَىٰ: حَدَّثَنَا مُحَمَّدُ ابْنُ سَوَاءٍ. قَالَا جَمِيعًا: حَدَّثَنَا سَعِيدٌ عَنْ مَطَرٍ وَيَعْلَى بْنِ حَكِيمٍ، عَنْ نَافِعٍ، عَنْ نُبَيْهِ بنِ وَهْبٍ، عَنْ أَبَانَ بْنِ عُثْمَانَ، عَنْ عُثْمَانَ بْنِ

عفَّانَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَنْكِحُ الْمُحْرِمُ وَلَا يُنْكَحُ وَلَا يَخْطُبُ».

**[3449] 44 - (...)** It was narrated from Nubaih bin Wahb, from Abân bin 'U<u>th</u>mân, from 'U<u>th</u>mân, that the Prophet ﷺ said: "The *Muḥrim* should not get married nor have a marriage arranged for him."

**[٣٤٤٩] ٤٤-(...) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَزُهَيْرُ بْنُ حَرْبٍ جَمِيعًا عَنِ ابْنِ عُيَيْنَةَ - قَالَ زُهَيْرٌ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ - عَنْ أَيُّوبَ بْنِ مُوسَىٰ، عَنْ نُبَيْهِ بْنِ وَهْبٍ، عَنْ أَبَانَ بْنِ عُثْمَانَ، عَنْ عُثْمَانَ يَبْلُغُ بِهِ النَّبِيَّ ﷺ. قَالَ: «الْمُحْرِمُ لَا يَنْكِحُ وَلَا يَخْطُبُ».

**[3450] 45 - (...)** It was narrated from Nubaih bin Wahb, that 'Umar bin 'Ubaidullâh bin Ma'mar wanted to marry his son Ṭalḥah to the daughter of <u>Sh</u>aibah bin Jubair during the *Ḥajj*. At that time Abân bin 'U<u>th</u>mân was the Commander of *Ḥajj*. He sent word to Abân saying: "I would like to arrange the marriage of Ṭalḥah bin 'Umar and I would like you to attend." Abân said to him: "I think you are no more than an ill-mannered 'Irâqî. I heard 'U<u>th</u>mân bin 'Affân say: 'The Messenger of Allâh ﷺ said: The *Muḥrim* should not get married.'"

**[٣٤٥٠] ٤٥-(...) وَحَدَّثَنَا** عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ بْنِ اللَّيْثِ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي خَالِدُ بْنُ يَزِيدَ: حَدَّثَنِي سَعِيدُ بْنُ أَبِي هِلَالٍ عَنْ نُبَيْهِ بْنِ وَهْبٍ؛ أَنَّ عُمَرَ بْنَ عُبَيْدِ اللهِ بْنِ مَعْمَرٍ أَرَادَ أَنْ يُنْكِحَ ابْنَهُ طَلْحَةَ، بِنْتَ شَيْبَةَ بْنِ جُبَيْرٍ، فِي الْحَجِّ، وَأَبَانُ بْنُ عُثْمَانَ يَوْمَئِذٍ أَمِيرُ الْحَاجِّ، فَأَرْسَلَ إِلَىٰ أَبَانَ: إِنِّي قَدْ أَرَدْتُ أَنْ أُنْكِحَ طَلْحَةَ بْنَ عُمَرَ، فَأُحِبُّ أَنْ تَحْضُرَ ذَلِكَ. فَقَالَ لَهُ أَبَانٌ: أَلَا أُرَاكَ عِرَاقِيًّا جَافِيًا، إِنِّي سَمِعْتُ عُثْمَانَ بْنَ عَفَّانَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَنْكِحُ الْمُحْرِمُ».

**[3451] 46 - (1410)** It was

**[٣٤٥١] ٤٦-(١٤١٠) حَدَّثَنَا** أَبُو

narrated from Abû Ash-Sha'thâ' that Ibn 'Abbâs told him, that the Prophet ﷺ married Maimûnah while he was in *Ihrâm*.

Ibn Numair added: "I narrated that to Az-Zuhrî and he said: 'Yazîd bin Al-Aṣamm told me that he married her when he was not in *Iḥrâm*.'"

بَكْرِ بْنُ أَبِي شَيْبَةَ وَابْنُ نُمَيْرٍ وَإِسْحٰقُ الْحَنْظَلِيُّ: جَمِيعًا عَنِ ابْنِ عُيَيْنَةَ - قَالَ ابْنُ نُمَيْرٍ: حَدَّثَنَا سُفْيَانُ [ابْنُ عُيَيْنَةَ] - عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ أَبِي الشَّعْثَاءِ أَنَّ ابْنَ عَبَّاسٍ أَخْبَرَهُ أَنَّ النَّبِيَّ ﷺ تَزَوَّجَ [مَيْمُونَةَ] وَهُوَ مُحْرِمٌ.

زَادَ ابْنُ نُمَيْرٍ: فَحَدَّثْتُ بِهِ الزُّهْرِيَّ فَقَالَ: أَخْبَرَنِي يَزِيدُ بْنُ الْأَصَمِّ؛ أَنَّهُ نَكَحَهَا وَهُوَ حَلَالٌ.

**[3452] 47 - (...)** It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ married Maimûnah when he was in *Iḥrâm*."

**[٣٤٥٢] ٤٧-(...) وحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ: أَخْبَرَنَا دَاوُدُ بْنُ عَبْدِ الرَّحْمٰنِ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ زَيْدٍ أَبِي الشَّعْثَاءِ، عَنِ ابْنِ عَبَّاسٍ؛ أَنَّهُ قَالَ: تَزَوَّجَ رَسُولُ اللهِ ﷺ مَيْمُونَةَ وَهُوَ مُحْرِمٌ.

**[3453] 48 - (1411)** It was narrated from Yazîd bin Al-Aṣamm: "Maimûnah bint Al-Ḥâri<u>th</u> told me that the Messenger of Allâh ﷺ married her when he was not in *Iḥrâm*." He said: "She was my maternal aunt and the maternal aunt of Ibn 'Abbâs."

**[٣٤٥٣] ٤٨-(١٤١١) وَحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى ابْنُ آدَمَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ: حَدَّثَنَا أَبُو فَزَارَةَ عَنْ يَزِيدَ بْنِ الْأَصَمِّ: حَدَّثَتْنِي مَيْمُونَةُ بِنْتُ الْحَارِثِ؛ أَنَّ رَسُولَ اللهِ ﷺ تَزَوَّجَهَا وَهُوَ حَلَالٌ.

قَالَ: وَكَانَتْ خَالَتِي وَخَالَةَ ابْنِ عَبَّاسٍ.

## Chapter 6. The Prohibition Of Proposing Marriage When One's Brother Has Already Proposed, Unless He Gives Permission Or Gives Up The Idea

## (المعجم ٦) - (بَابُ تحريم الخطبة على خطبة أخيه حتى يأذن أو يترك) (التحفة ٦)

**[3454] 49 - (1412)** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "Do not outbid one another, and do not propose marriage when someone else has already proposed."

**[٣٤٥٤] ٤٩-(١٤١٢) وحَدَّثَنَا قُتَيْبَةُ** ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ قَالَ: وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَبِعْ بَعْضُكُمْ عَلَىٰ بَيْعِ بَعْضٍ، وَلَا يَخْطُبْ بَعْضُكُمْ عَلَىٰ خِطْبَةِ بَعْضٍ». [انظر: ٣٨١١]

**[3455] 50 - (...)** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "No man should outbid his brother, nor should he propose marriage when his brother has already proposed, unless he gives him permission."

**[٣٤٥٥] ٥٠-(...) وحَدَّثَنِي زُهَيْرُ** ابْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ، جَمِيعًا عَنْ يَحْيَى الْقَطَّانِ - قَالَ زُهَيْرٌ: حَدَّثَنَا يَحْيَىٰ عَنْ عُبَيْدِ اللهِ -: أَخْبَرَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ، قَالَ: «لَا يَبِعِ الرَّجُلُ عَلَىٰ بَيْعِ أَخِيهِ، وَلَا يَخْطُبْ عَلَىٰ خِطْبَةِ أَخِيهِ، إِلَّا أَنْ يَأْذَنَ لَهُ».

**[3456] (...)** It was narrated from 'Ubaidullâh with this chain (a *Hadîth* similar to no. 3455).

**[٣٤٥٦] (...) وحَدَّثَنَاه أَبُو بَكْرِ بْنُ** أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ عُبَيْدِ اللهِ، بِهَٰذَا الْإِسْنَادِ.

**[3457] (...)** It was narrated from Nâfi' with this chain (a *Hadîth* similar to no. 3455).

**[٣٤٥٧] (...) وَحَدَّثَنِيهِ أَبُو كَامِلٍ** [الْجَحْدَرِيُّ]: حَدَّثَنَا حَمَّادٌ: حَدَّثَنَا أَيُّوبُ عَنْ نَافِعٍ، بِهَٰذَا الْإِسْنَادِ.

[3458] 51 - (1413) It was narrated from Abû Hurairah that the Prophet ﷺ forbade a town-dweller to sell on behalf of a Bedouin, or artificially inflating prices, or a man to propose when his brother has already proposed, or outbidding one's brother, or a woman to ask for her sister to be divorced so as to deprive her of what is rightfully hers and take it for herself.

[٣٤٥٨] ٥١-(١٤١٣) وحَدَّثني عَمْرٌو النَّاقِدُ وَزُهَيْرُ بْنُ حَرْبٍ وَابْنُ أَبِي عُمَرَ-: قَالَ زُهَيْرٌ: حَدَّثَنَا - سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ النَّبِيَّ ﷺ نَهَىٰ أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ، أَوْ يَتَنَاجَشُوا، أَوْ يَخْطُبَ الرَّجُلُ عَلَىٰ خِطْبَةِ أَخِيهِ، أَوْ يَبِيعَ عَلَىٰ بَيْعِ أَخِيهِ، وَلَا تَسْأَلِ الْمَرْأَةُ طَلَاقَ أُخْتِهَا لِتَكْتَفِيءَ مَا فِي إِنَائِهَا، أَوْ مَا فِي صَحْفَتِهَا.

زَادَ عَمْرٌو فِي حَدِيثِهِ: وَلَا يَسُمِ الرَّجُلُ عَلَىٰ سَوْمِ أَخِيهِ.

[3459] 52 - (...) Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not artificially inflate prices; no man should outbid his brother, and no towndweller should sell on behalf of a Bedouin, and no man should propose marriage when his brother has already proposed, and no woman should ask for her sister to be divorced so as to deprive her of what is rightfully hers and take it for herself.'"

[٣٤٥٩] ٥٢-(...) وحَدَّثني حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ؛ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تَنَاجَشُوا، وَلَا يَبِعِ الْمَرْءُ عَلَىٰ بَيْعِ أَخِيهِ، وَلَا يَبِعْ حَاضِرٌ لِبَادٍ، وَلَا يَخْطُبِ الْمَرْءُ عَلَىٰ خِطْبَةِ أَخِيهِ، وَلَا تَسْأَلِ الْمَرْأَةُ طَلَاقَ الْأُخْرَىٰ لِتَكْتَفِيءَ مَا فِي إِنَائِهَا».

[3460] 53 - (...) A similar report (as no. 3459) was narrated from Az-Zuhrî with this chain, except that in the *Hadîth* of Ma'mar it says: "And no man should outbid his brother."

[٣٤٦٠] ٥٣-(...) وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ، جَمِيعًا عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ،

بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ. غَيْرَ أَنَّ فِي حَدِيثِ مَعْمَرٍ «وَلَا يَزِدِ الرَّجُلُ عَلَىٰ بَيْعِ أَخِيهِ».

[3461] 54 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "No Muslim should offer a higher price than his brother or propose marriage when another Muslim has already proposed marriage."

[٣٤٦١] ٥٤-(...) حَدَّثَنَا يَحْيَى ابْنُ أَيُّوبَ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَابْنُ حُجْرٍ، جَمِيعًا عَنْ إِسْمَاعِيلَ بْنِ جَعْفَرٍ - قَالَ ابْنُ أَيُّوبَ: حَدَّثَنَا إِسْمَاعِيلُ-: أَخْبَرَنِي الْعَلَاءُ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَسُمِ الْمُسْلِمُ عَلَىٰ سَوْمِ الْمُسْلِمِ، وَلَا يَخْطُبْ عَلَىٰ خِطْبَتِهِ».

[3462] 55 - (...) It was narrated from Abû Hurairah from the Prophet ﷺ (a *Ḥadîth* similar to no. 3461).

[٣٤٦٢] ٥٥-(...) وحَدَّثَنِي أَحْمَدُ ابْنُ إِبْرَاهِيمَ الدَّوْرَقِيُّ: حَدَّثَنَا عَبْدُ الصَّمَدِ: حَدَّثَنَا شُعْبَةُ عَنِ الْعَلَاءِ وَسُهَيْلٍ عَنْ أَبِيهِمَا، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ

[3463]... - (...) It was narrated from Shu'bah and others from Abû Hurairah from the Prophet ﷺ (a *Ḥadîth* similar to no. 3461), except that they said: "... offer a higher price than his brother, or propose marriage when his brother has already proposed."

[٣٤٦٣] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الصَّمَدِ: حَدَّثَنَا شُعْبَةُ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ إِلَّا أَنَّهُمْ قَالُوا: «عَلَى سَوْمِ أَخِيهِ، وَخِطْبَةِ أَخِيهِ».

[3464] 56 - (1414) It was narrated from 'Abdur-Raḥmân bin Shumâsah that he heard 'Uqbah bin 'Âmir on the *Minbar* saying: "The Messenger of Allâh ﷺ said: 'The believer is the brother of another believer, and it is not permissible for a believer to outbid his brother or propose

[٣٤٦٤] ٥٦-(١٤١٤) وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ عَنِ اللَّيْثِ وَغَيْرِهِ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ شُمَاسَةَ أَنَّهُ سَمِعَ عُقْبَةَ بْنَ عَامِرٍ عَلَىٰ الْمِنْبَرِ يَقُولُ: إِنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْمُؤْمِنُ أَخُو

marriage when his brother has already proposed, unless the latter gives up the idea.'"

الْمُؤْمِنِ، فَلَا يَحِلُّ لِلْمُؤْمِنِ أَنْ يَبْتَاعَ عَلَىٰ بَيْعِ أَخِيهِ، وَلَا يَخْطُبَ عَلَىٰ خِطْبَةِ أَخِيهِ حَتَّىٰ يَذَرَ».

## Chapter 7. Prohibition And Invalidity Of *Shighâr* Marriage

## (المعجم ٧) - (بَابُ تحريم نكاح الشغار وبطلانه) (التحفة ٧)

**[3465] 57 - (1415)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade *Shighâr* marriage.

*Shighâr* is when a man gives his daughter in marriage to another man in return for marrying the latter's daughter, with no dowry given.

**[٣٤٦٥] ٥٧-(١٤١٥) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الشِّغَارِ.

وَالشِّغَارُ أَنْ يُزَوِّجَ الرَّجُلُ ابْنَتَهُ، عَلَىٰ أَنْ يُزَوِّجَهُ ابْنَتَهُ، وَلَيْسَ بَيْنَهُمَا صَدَاقٌ.

**[3466] 58 - (...)** A similar report (as no. 3465) was narrated from Ibn 'Umar from the Prophet ﷺ, except that in the *Hadîth* of 'Ubaidullâh it says: "I said to Nâfi': 'What is *Shighâr*?'"

**[٣٤٦٦] ٥٨-(. . .) وحَدَّثَني** زُهَيْرُ ابْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ وَعُبَيْدُ اللهِ ابْنُ سَعِيدٍ قَالُوا: حَدَّثَنَا يَحْيَىٰ عَنْ عُبَيْدِ اللهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ. غَيْرَ أَنَّ فِي حَدِيثِ عُبَيْدِ اللهِ قَالَ: قُلْتُ لِنَافِعٍ: مَا الشِّغَارُ؟.

**[3467] 59 - (...)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade *Shighâr*.

**[٣٤٦٧] ٥٩-(. . .) وحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ: أَخْبَرَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ عَبْدِ الرَّحْمٰنِ السَّرَّاجِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الشِّغَارِ.

**[3468] 60 - (...)** It was narrated from Ibn 'Umar that the Prophet

**[٣٤٦٨] ٦٠-(. . .) وحَدَّثَنَا** مُحَمَّدُ

ﷺ said: "There is no *Shighâr* in Islam."

ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا شِغَارَ فِي الْإِسْلَامِ».

**[3469] 61 - (1416)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade *Shighâr*."

Ibn Numair added: "*Shighâr* is when a man says to another: 'Give me your daughter in marriage and I will give you my daughter in marriage, or give me your sister in marriage and I will give you my sister in marriage.'"

**[٣٤٦٩] ٦١-(١٤١٦) وَحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ نُمَيْرٍ وَأَبُو أُسَامَةَ عَنْ عُبَيْدِ اللهِ، عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الشِّغَارِ.

زَادَ ابْنُ نُمَيْرٍ: وَالشِّغَارُ أَنْ يَقُولَ الرَّجُلُ لِلرَّجُلِ: زَوِّجْنِي ابْنَتَكَ وَأُزَوِّجُكَ ابْنَتِي، وَزَوِّجْنِي أُخْتَكَ وَأُزَوِّجُكَ أُخْتِي.

**[3470] (...)** It was narrated from 'Ubaidullâh [who is the son of 'Umar] with this chain (a *Hadîth* similar to no. 3469), but he did not mention the addition of Ibn Numair.

**[٣٤٧٠] (...) وحَدَّثَناه** أَبُو كُرَيْبٍ: حَدَّثَنَا عَبْدَةُ عَنْ عُبَيْدِ اللهِ [وَهُوَ ابْنُ عُمَرَ] بِهَٰذَا الْإِسْنَادِ، وَلَمْ يَذْكُرْ زِيَادَةَ ابْنِ نُمَيْرٍ.

**[3471] 62 - (1417)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade *Shighâr*."

**[٣٤٧١] ٦٢-(١٤١٧) وحَدَّثَني** هَٰرُونُ بْنُ عَبْدِ اللهِ: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ قَالَ: قَالَ ابْنُ جُرَيْجٍ؛ وَحَدَّثَنَاهُ إِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ عَنْ عَبْدِ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الشِّغَارِ.

## Chapter 8. Fulfilling The Conditions Stipulated In The Marriage

(المعجم ٨) - (بَابُ الوفاء بالشروط في النكاح) (التحفة ٨)

**[3472] 63 - (1418)** It was narrated that 'Uqbah bin 'Âmir said: "The Messenger of Allâh ﷺ said: 'The condition which most deserves to be fulfilled is that by means of which intimacy becomes permissible for you.'"
This is the wording of the *Hadîth* of Abû Bakr and Ibn Al-Muthanna, except that Ibn Al-Muthanna said: "conditions".

[٣٤٧٢] **٦٣-(١٤١٨)** حَدَّثَنَا يَحْيَى ابْنُ أَيُّوبَ: حَدَّثَنَا هُشَيْمٌ؛ وَحَدَّثَنِي ابْنُ نُمَيْرٍ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ؛ قَالَ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا يَحْيَىٰ وَهُوَ الْقَطَّانُ، عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ مَرْثَدِ بْنِ عَبْدِ اللهِ الْيَزَنِيِّ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ أَحَقَّ الشَّرْطِ أَنْ يُوفَىٰ بِهِ، مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوجَ». هٰذَا لَفْظُ حَدِيثِ أَبِي بَكْرٍ وَابْنِ الْمُثَنَّىٰ، غَيْرَ أَنَّ ابْنَ الْمُثَنَّىٰ قَالَ: «الشُّرُوطِ».

## Chapter 9. Seeking Permission Of A Previously-Married Woman In Words, And Of A Virgin By Silence

(المعجم ٩) - (بَابُ استئذان الثيب في النكاح بالنطق، والبكر بالسكوت) (التحفة ٩)

**[3473] 64 - (1419)** Abû Hurairah narrated that the Messenger of Allâh ﷺ said: "A previously-married woman should not be married until she has been consulted, and a virgin should not be married until her permission has been sought." They said: "O Messenger of Allâh, what is her permission?" He said: "If she remains silent."

[٣٤٧٣] **٦٤-(١٤١٩)** حَدَّثَنِي عُبَيْدُ اللهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ الْقَوَارِيرِيُّ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا هِشَامٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنَا أَبُو سَلَمَةَ: حَدَّثَنَا أَبُو هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تُنْكَحُ الْأَيِّمُ حَتَّىٰ تُسْتَأْمَرَ، وَلَا

تُنْكَحُ الْبِكْرُ حَتَّىٰ تُسْتَأْذَنَ» قَالُوا: يَا رَسُولَ اللهِ! وَكَيْفَ إِذْنُهَا؟ قَالَ: «أَنْ تَسْكُتَ».

**[3474] (...)** A *Ḥadîth* similar to that of Hishâm (no. 3473) with its chain was narrated from Ibn Abî Kathîr. The wording of the *Aḥadîth* of Hishâm, Shaibân and Mu'âwiyah bin Salâm are all the same.

[٣٤٧٤] (...) **حَدَّثَنِي** زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا الْحَجَّاجُ بْنُ أَبِي عُثْمَانَ؛ وَحَدَّثَنِي إِبْرَاهِيمُ بْنُ مُوسَىٰ: أَخْبَرَنَا عِيسَىٰ يَعْنِي ابْنَ يُونُسَ، عَنِ الْأَوْزَاعِيِّ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا حُسَيْنُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا شَيْبَانُ؛ قَالَ: وَحَدَّثَنِي عَمْرٌو النَّاقِدُ وَمُحَمَّدُ بْنُ رَافِعٍ قَالَا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ، عَنْ مَعْمَرٍ؛ وَحَدَّثَنَا عَبْدُ اللهِ بْنُ عَبْدِ الرَّحْمَٰنِ الدَّارِمِيُّ: أَخْبَرَنَا يَحْيَى بْنُ حَسَّانَ: حَدَّثَنَا مُعَاوِيَةُ، كُلُّهُمْ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ. بِمِثْلِ مَعْنَىٰ حَدِيثِ هِشَامٍ وَإِسْنَادِهِ. وَاتَّفَقَ لَفْظُ حَدِيثِ هِشَامٍ وَشَيْبَانَ وَمُعَاوِيَةَ بْنِ سَلَّامٍ فِي هَٰذَا الْحَدِيثِ.

**[3475] 65 - (1420)** Zakwân, the freed slave of 'Âishah, said: "I heard 'Âishah say: 'I asked the Messenger of Allâh ﷺ about a virgin whose family arranges her marriage: "Should she be consulted or not?'' The Messenger of Allâh ﷺ said to her: "Yes, she should be consulted." 'Âishah said: 'I said

**[٣٤٧٥] ٦٥-(١٤٢٠) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ إِدْرِيسَ عَنِ ابْنِ جُرَيْجٍ؛ وَحَدَّثَنَا إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ، جَمِيعًا عَنْ عَبْدِ الرَّزَّاقِ: - وَاللَّفْظُ لِابْنِ رَافِعٍ - حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ

to him: "She will feel too shy." The Messenger of Allâh ﷺ said: "That is her permission, if she remains silent."'

**[3476] 66 - (1421)** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "The previously-married woman has more right concerning herself than her guardian does, and the virgin should be asked for permission, and her permission is her silence."

**[3477] 67 - (...)** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "The previously-married woman has more right concerning herself than her guardian does, and the virgin should be consulted, and her permission is her silence."

**[3478] 68 - (...)** Sufyân narrated it with this chain and he said: (The Prophet ﷺ said:) "The

قَالَ: سَمِعْتُ ابْنَ أَبِي مُلَيْكَةَ يَقُولُ: قَالَ ذَكْوَانُ مَوْلَىٰ عَائِشَةَ: سَمِعْتُ عَائِشَةَ تَقُولُ: سَأَلْتُ رَسُولَ اللهِ ﷺ عَنِ الْجَارِيَةِ يُنْكِحُهَا أَهْلُهَا، أَتُسْتَأْمَرُ أَمْ لَا؟ فَقَالَ لَهَا رَسُولُ اللهِ ﷺ: «نَعَمْ، تُسْتَأْمَرُ» فَقَالَتْ عَائِشَةُ: فَقُلْتُ لَهُ: فَإِنَّهَا تَسْتَحْيِي. فَقَالَ رَسُولُ اللهِ ﷺ: «فَذَلِكَ إِذْنُهَا إِذَا هِيَ سَكَتَتْ».

**[٣٤٧٦] ٦٦-(١٤٢١)** حَدَّثَنَا سَعِيدُ ابْنُ مَنْصُورٍ وَقُتَيْبَةُ بْنُ سَعِيدٍ قَالَا: حَدَّثَنَا مَالِكٌ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ - وَاللَّفْظُ لَهُ - قَالَ: قُلْتُ لِمَالِكٍ: حَدَّثَكَ عَبْدُ اللهِ ابنُ الْفَضْلِ، عَنْ نَافِعِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «الْأَيِّمُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا، وَالْبِكْرُ تُسْتَأْذَنُ فِي نَفْسِهَا، وَإِذْنُهَا صُمَاتُهَا» قَالَ: نَعَمْ.

**[٣٤٧٧] ٦٧-(...)** وحَدَّثَنَا قُتَيْبَةُ ابنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ عَنْ زِيَادِ بْنِ سَعْدٍ، عَنْ عَبْدِ اللهِ بْنِ الْفَضْلِ: سَمِعَ نَافِعَ بْنَ جُبَيْرٍ يُخْبِرُ عَنِ ابْنِ عَبَّاسٍ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «الثَّيِّبُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا، وَالْبِكْرُ تُسْتَأْمَرُ، وَإِذْنُهَا سُكُوتُهَا».

**[٣٤٧٨] ٦٨-(...)** وحَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ، بِهَٰذَا الْإِسْنَادِ.

previously-married woman has more right concerning herself than her guardian does, and the father of a virgin should ask her permission, and her permission is her silence." Or perhaps he said: "Her silence is her approval."

وَقَالَ: «الثَّيِّبُ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا، وَالْبِكْرُ يَسْتَأْذِنُهَا أَبُوهَا فِي نَفْسِهَا، وَإِذْنُهَا صُمَاتُهَا» وَرُبَّمَا قَالَ: «وَصَمْتُهَا إِقْرَارُهَا».

## Chapter 10. It Is Permissible For A Father To Arrange The Marriage Of A Young Virgin

## (المعجم ١٠) - (بَابُ جواز تزويج الأب البكر الصغيرة) (التحفة ١٠)

**[3479] 69 - (1422)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ married me when I was six years old and he lived with me when I was nine years old."

She said: "We came to Al-Madînah and I fell sick for a month and my hair came down to my neck. Umm Rûmân came to me when I was on a swing and some of my friends were with me. She called me loudly and I went to her, and I did not know what she wanted of me. She took me by the hand and made me stand at the door. I said: '*Hâh*, *Hâh* (as if gasping for breath)' until I had calmed down, then she took me into a house where there were some women of the *Anṣâr* who said: 'With good wishes, and blessings, and good fortune.' She handed me over to them and they washed my hair and adorned me, and then suddenly the Messenger of Allâh ﷺ was there, and they handed me over to him."

**[٣٤٧٩] ٦٩-(١٤٢٢)** حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ قَالَ: وَجَدْتُ فِي كِتَابِي، عَنْ أَبِي أُسَامَةَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ. قَالَتْ: تَزَوَّجَنِي رَسُولُ اللهِ ﷺ لِسِتِّ سِنِينَ، وَبَنَىٰ بِي وَأَنَا ابْنَةُ تِسْعِ سِنِينَ.

قَالَتْ: فَقَدِمْنَا الْمَدِينَةَ فَوُعِكْتُ شَهْرًا، فَوَفَىٰ شَعْرِي جُمَيْمَةً، فَأَتَتْنِي أُمُّ رُومَانَ، وَأَنَا عَلَىٰ أُرْجُوحَةٍ، وَمَعِي صَوَاحِبِي، فَصَرَخَتْ بِي فَأَتَيْتُهَا، وَمَا أَدْرِي مَا تُرِيدُ بِي، فَأَخَذَتْ بِيَدِي، فَأَوْقَفَتْنِي عَلَىٰ الْبَابِ. فَقُلْتُ: هَهْ هَهْ، حَتَّى ذَهَبَ نَفَسِي، فَأَدْخَلَتْنِي بَيْتًا، فَإِذَا نِسْوَةٌ مِنَ الْأَنْصَارِ، فَقُلْنَ: عَلَىٰ الْخَيْرِ وَالْبَرَكَةِ، وَعَلَى خَيْرِ طَائِرٍ، فَأَسْلَمَتْنِي إِلَيْهِنَّ،

فَغَسَلْنَ رَأْسِي وَأَصْلَحْنَنِي، فَلَمْ يَرُعْنِي إِلَّا وَرَسُولُ اللهِ ﷺ ضُحًى، فَأَسْلَمْنَنِي إِلَيْهِ.

[3480] 70 - (...) It was narrated that 'Âishah said: "The Prophet ﷺ married me when I was six years old, and consummated the marriage with me when I was nine years old."

[٣٤٨٠] ٧٠-(...) وحَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ: أَخْبَرَنَا أَبُو مُعَاوِيَةَ عَنْ هِشَامِ ابْنِ عُرْوَةَ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا عَبْدَةُ [هُوَ ابْنُ سُلَيْمَانَ] عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي النَّبِيُّ ﷺ وَأَنَا بِنْتُ سِتِّ سِنِينَ، وَبَنَى بِي وَأَنَا بِنْتُ تِسْعِ.

[3481] 71 - (...) It was narrated from 'Âishah that the Prophet ﷺ married her when she was seven years old and she was taken to him as a bride when she was nine years old, and she took her dolls with her. He died when she was eighteen years old.

[٣٤٨١] ٧١-(...) وحَدَّثَنَا عَبْدُ ابْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ عَنْ عُرْوَةَ، عَنْ عَائِشَةَ؛ أَنَّ النَّبِيَّ ﷺ تَزَوَّجَهَا وَهِيَ بِنْتُ سَبْعِ سِنِينَ، وَزُفَّتْ إِلَيْهِ وَهِيَ بِنْتُ تِسْعِ سِنِينَ، وَلُعَبُهَا مَعَهَا، وَمَاتَ عَنْهَا وَهِيَ بِنْتُ ثَمَانَ عَشْرَةَ.

[3482] 72 - (...) It was narrated from 'Âishah that: "The Messenger of Allâh ﷺ married her when she was six years old and consummated the marriage with her when she was nine years old, and he died when she was eighteen years old."

[٣٤٨٢] ٧٢-(...) وحَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَأَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ - قَالَ يَحْيَىٰ وَإِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَهَا رَسُولُ اللهِ ﷺ وَهِيَ بِنْتُ سِتٍّ، وَبَنَى بِهَا وَهِيَ بِنْتُ تِسْعٍ، وَمَاتَ عَنْهَا وَهِيَ بِنْتُ ثَمَانَ عَشْرَةَ.

## Chapter 11. It Is Recommended To Get Married And Arrange Marriages In Shawwâl, And It Is Recommended To Consummate The Marriage In That Month

## (المعجم ١١) - (بَابُ استحباب التزوج والتزويج في شوال، واستحباب الدخول فيه) (التحفة ١١)

**[3483] 73 - (1423)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ married me in Shawwâl and consummated the marriage with me in Shawwâl, and which of the wives of the Messenger of Allâh ﷺ was dearer to him than me?" And 'Âishah liked for marriages with her women folk to be consummated in Shawwâl.

**[٣٤٨٣] ٧٣-(١٤٢٣)** حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لِزُهَيْرٍ - قَالَا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ عَنْ إِسْمَاعِيلَ ابْنِ أُمَيَّةَ، عَنْ عَبْدِ اللهِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: تَزَوَّجَنِي رَسُولُ اللهِ ﷺ فِي شَوَّالٍ، وَبَنَى بِي فِي شَوَّالٍ، فَأَيُّ نِسَاءِ رَسُولِ اللهِ ﷺ كَانَ أَحْظَى عِنْدَهُ مِنِّي؟. قَالَ: وَكَانَتْ عَائِشَةُ تَسْتَحِبُّ أَنْ تُدْخِلَ نِسَاءَهَا فِي شَوَّالٍ.

**[3484] (...)** Sufyân narrated with this chain (a *Hadîth* similar to no. 3483), but he did not mention what 'Âishah did (liked).

**[٣٤٨٤] (. . .)** وحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا سُفْيَانُ، بِهَٰذَا الْإِسْنَادِ. وَلَمْ يَذْكُرْ فِعْلَ عَائِشَةَ.

## Chapter 12. It Is Recommended For The One Who Wants To Marry A Woman To Look At Her Face And Hands Before Proposing Marriage To Her

## (المعجم ١٢) - (بَابُ ندب من أراد نكاح امرأة إلى أن ينظر إلى وجهها وكفيها قبل خطبتها) (التحفة ١٢)

**[3485] 74 - (1424)** It was narrated that Abû Hurairah said: I was with the Prophet ﷺ when a man came to him and told him that he had gotten married to a woman from among the *Ansâr*. The Messenger of Allâh ﷺ said:

**[٣٤٨٥] ٧٤-(١٤٢٤)** حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ يَزِيدَ بْنِ كَيْسَانَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كُنْتُ عِنْدَ النَّبِيِّ ﷺ. فَأَتَاهُ رَجُلٌ

"Did you look at her?" He said: "No." He said: "Go and look at her, for there is something in the eyes of the *Anṣâr*."

فَأَخْبَرَهُ أَنَّهُ تَزَوَّجَ امْرَأَةً مِنَ الأَنْصَارِ. فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «أَنَظَرْتَ إِلَيْهَا؟» قَالَ: لَا. قَالَ: «فَاذْهَبْ فَانْظُرْ إِلَيْهَا، فَإِنَّ فِي أَعْيُنِ الأَنْصَارِ شَيْئًا».

**[3486] 75 - (...)** It was narrated that Abû Hurairah said: "A man came to the Prophet ﷺ and said: 'I have married a woman from among the *Anṣâr*.' The Prophet ﷺ said to him: 'Did you look at her? For there is something in the eyes of the *Anṣâr*.' He said: 'I looked at her.' He said: 'For how much did you marry her?' He said: 'For four *Uqiyah*.' The Prophet ﷺ said to him: 'For four *Uqiyah*? It is as if you are going to dig the silver out from the side of this mountain. We do not have anything to give you, but perhaps we will send you on an expedition and you will get something from it.' And he sent an expedition to Banû 'Abs, and he sent that man with them."

**[٣٤٨٦] ٧٥-(...)** وحَدَّثَنِي يَحْيَى ابْنُ مَعِينٍ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ الْفَزَارِيُّ: حَدَّثَنَا يَزِيدُ بْنُ كَيْسَانَ عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ إِلَىٰ النَّبِيِّ ﷺ فَقَالَ: إِنِّي تَزَوَّجْتُ امْرَأَةً مِنَ الأَنْصَارِ. فَقَالَ لَهُ النَّبِيُّ ﷺ: «هَلْ نَظَرْتَ إِلَيْهَا؟ فَإِنَّ فِي عُيُونِ الأَنْصَارِ شَيْئًا» قَالَ: قَدْ نَظَرْتُ إِلَيْهَا. قَالَ: «عَلَىٰ كَمْ تَزَوَّجْتَهَا؟» قَالَ: عَلَىٰ أَرْبَعِ أَوَاقٍ. فَقَالَ لَهُ النَّبِيُّ ﷺ: «عَلَىٰ أَرْبَعِ أَوَاقٍ؟ كَأَنَّمَا تَنْحِتُونَ الْفِضَّةَ مِنْ عُرْضِ هَٰذَا الْجَبَلِ، مَا عِنْدَنَا مَا نُعْطِيكَ، وَلَٰكِنْ عَسَىٰ أَنْ نَبْعَثَكَ فِي بَعْثٍ تُصِيبُ مِنْهُ» قَالَ: فَبَعَثَ بَعْثًا إِلَىٰ بَنِي عَبْسٍ، بَعَثَ ذَٰلِكَ الرَّجُلَ فِيهِمْ.

## Chapter 13. The Dowry. It Is Permissible For The Dowry To Be Teaching Qur'ân, A Ring Of Iron Or Anything Else, A Small Or Large Amount, And It Is Recommended For It To Be Five Hundred *Dirham*

## (المعجم ١٣) - (بَابُ الصداق وجواز كونه تعليم قرآن وخاتم حديد، وغير ذلك من قليل وكثير واستحباب كونه خمسمائة درهم لمن لا يجحف به)

(التحفة ١٣)

**[3487] 76 - (1425)** It was

**[٣٤٨٧] ٧٦-(١٤٢٥)** حَدَّثَنَا قُتَيْبَةُ

narrated that Sahl bin Sa'd As-Sâ'idî said: "A woman came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh ﷺ, I have come to give myself to you (in marriage).' The Messenger of Allâh ﷺ looked her up and down, then the Messenger of Allâh ﷺ lowered his head. When the woman saw that he had not made any decision about her, she sat down. A man among his Companions stood up and said: 'O Messenger of Allâh, if you have no need of her then marry her to me.' He said: 'Do you have anything?' He said: 'No, by Allâh, O Messenger of Allâh.' He said: 'Go to your family and see if you can find something.' So he went, then he came back and said: 'No, by Allâh, O Messenger of Allâh, not even a ring of iron, only this *Izâr* (lower garment) of mine'" - Sahl said: "He did not have a *Ridâ'* (upper garment) - 'and she may have half of it.' The Messenger of Allâh ﷺ said: 'What will she do with your *Izâr*? If you wear it she will not have anything of it and if she wears it you will not have anything of it.' The man sat down, and after he had sat for a long time, he got up (to leave). The Messenger of Allâh ﷺ saw him turning away, and he ordered that he be called to him. When he came, he said: 'What do you know of the Qur'ân?' He said: 'I know *Sûrah*

ابْنُ سَعِيدٍ الثَّقَفِيُّ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَٰنِ الْقَارِيَّ، عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ، عَنْ أَبِيهِ، عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ قَالَ: جَاءَتِ امْرَأَةٌ إِلَىٰ رَسُولِ اللهِ ﷺ. فَقَالَتْ: يَا رَسُولَ اللهِ جِئْتُ أَهَبُ لَكَ نَفْسِي، فَنَظَرَ إِلَيْهَا رَسُولُ اللهِ ﷺ، فَصَعَّدَ النَّظَرَ فِيهَا وَصَوَّبَهُ، ثُمَّ طَأْطَأَ رَسُولُ اللهِ ﷺ رَأْسَهُ، فَلَمَّا رَأَتِ الْمَرْأَةُ أَنَّهُ لَمْ يَقْضِ فِيهَا شَيْئًا، جَلَسَتْ. فَقَامَ رَجُلٌ مِنْ أَصْحَابِهِ فَقَالَ: يَا رَسُولَ اللهِ! إِنْ لَمْ تَكُنْ لَكَ بِهَا حَاجَةٌ فَزَوِّجْنِيهَا. فَقَالَ: «فَهَلْ عِنْدَكَ مِنْ شَيْءٍ؟» فَقَالَ: لَا، وَاللهِ! يَا رَسُولَ اللهِ! فَقَالَ: «اذْهَبْ إِلَىٰ أَهْلِكَ، فَانْظُرْ هَلْ تَجِدُ شَيْئًا؟» فَذَهَبَ ثُمَّ رَجَعَ. فَقَالَ: لَا، وَاللهِ! مَا وَجَدْتُ شَيْئًا. فَقَالَ رَسُولُ اللهِ ﷺ: «انْظُرْ وَلَوْ خَاتَمٌ مِنْ حَدِيدٍ» فَذَهَبَ ثُمَّ رَجَعَ. فَقَالَ: لَا، وَاللهِ! يَا رَسُولَ اللهِ! وَلَا خَاتَمٌ مِنْ حَدِيدٍ، وَلَٰكِنْ هَٰذَا إِزَارِي - قَالَ سَهْلٌ مَا لَهُ رِدَاءٌ - فَلَهَا نِصْفُهُ. فَقَالَ رَسُولُ اللهِ ﷺ: «مَا تَصْنَعُ بِإِزَارِكَ؟ إِنْ لَبِسْتَهُ

such-and-such and *Sûrah* such-and-such' - and he listed them. He said: 'Do you recite them by heart?' He said: 'Yes.' He said: 'Go. You have been given her (in marriage) for what you know of the Qur'ân.'" This is the *Hadîth* of Ibn Abî Hâzim (a narrator), and the *Hadîth* of Ya'qûb (another narrator) is very similar in wording.

لَمْ يَكُنْ عَلَيْهَا مِنْهُ شَيْءٌ، وَإِنْ لَبِسَتْهُ لَمْ يَكُنْ عَلَيْكَ مِنْهُ شَيْءٌ» فَجَلَسَ الرَّجُلُ، حَتَّى إِذَا طَالَ مَجْلِسُهُ قَامَ، فَرَآهُ رَسُولُ اللهِ ﷺ مُوَلِّيًا، فَأَمَرَ بِهِ فَدُعِيَ لَهُ. فَلَمَّا جَاءَ قَالَ: «مَاذَا مَعَكَ مِنَ الْقُرْآنِ؟» قَالَ: مَعِي سُورَةُ كَذَا وَسُورَةُ كَذَا - عَدَّدَهَا - فَقَالَ: «تَقْرَأُهُنَّ عَنْ ظَهْرِ قَلْبِكَ؟» قَالَ: نَعَمْ. قَالَ: «اذْهَبْ فَقَدْ مُلِّكْتَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ» هٰذَا حَدِيثُ ابْنِ أَبِي حَازِمٍ، وَحَدِيثُ يَعْقُوبَ يُقَارِبُهُ فِي اللَّفْظِ.

**[3488] 77 - (...)** This *Hadîth* was narrated from Sahl bin Sa'd (a *Hadîth* similar to no. 3487); some of them added material to one another's reports, but in the *Hadîth* there is an addition which says: "Go, for I have married her to you, so teach her Qur'ân."

**[٣٤٨٨] ٧٧-(...) وحَدَّثَناه** خَلَفُ ابْنُ هِشَامٍ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ؛ وَحَدَّثَنِيهِ زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ؛ وَحَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَاهِيمَ عَنِ الدَّرَاوَرْدِيِّ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ، عَنْ زَائِدَةَ. كُلُّهُمْ عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ، بِهٰذَا الْحَدِيثِ. يَزِيدُ بَعْضُهُمْ عَلَىٰ بَعْضٍ، غَيْرَ أَنَّ فِي حَدِيثِ زَائِدَةَ قَالَ: «انْطَلِقْ فَقَدْ زَوَّجْتُكَهَا، فَعَلِّمْهَا مِنَ الْقُرْآنِ».

**[3489] 78 - (1426)** It was narrated that Abû Salamah bin 'Abdur-Rahmân said: "I asked

**[٣٤٨٩] ٧٨-(١٤٢٦) حَدَّثَنَا** إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ

الْعَزِيزِ بْنُ مُحَمَّدٍ: حَدَّثَنِي يَزِيدُ بْنُ عَبْدِ اللهِ بْنِ أُسَامَةَ بْنِ الْهَادِ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ أَبِي عُمَرَ الْمَكِّيُّ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا عَبْدُ الْعَزِيزِ عَنْ يَزِيدَ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَٰنِ؛ أَنَّهُ قَالَ: سَأَلْتُ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ: كَمْ كَانَ صَدَاقُ رَسُولِ اللهِ ﷺ؟ قَالَتْ: كَانَ صَدَاقُهُ لِأَزْوَاجِهِ ثِنْتَيْ عَشْرَةَ أُوقِيَّةً وَنَشًّا. قَالَتْ: أَتَدْرِي مَا النَّشُّ؟ قَالَ: قُلْتُ: لَا. قَالَتْ: نِصْفُ أُوقِيَّةٍ. فَتِلْكَ خَمْسُمِائَةِ دِرْهَمٍ، فَهٰذَا صَدَاقُ رَسُولِ اللهِ ﷺ لِأَزْوَاجِهِ.

'Âishah, the wife of the Prophet ﷺ: 'How much was the dowry of the Messenger of Allâh ﷺ?' She said: 'The dowry that he gave to his wives was twelve *Uqiyah* and a *Nashsh*.' She said: 'Do you know what a *Nashsh* is?' I said: 'No.' She said: 'Half an *Uqiyah*; and that (the whole amount) was equal to five hundred *Dirham*. That was the dowry of the Messenger of Allâh ﷺ to his wives.'"

**[٣٤٩٠] ٧٩-(١٤٢٧) حَدَّثَنَا** يَحْيَىٰ ابْنُ يَحْيَىٰ التَّمِيمِيُّ وَأَبُو الرَّبِيعِ سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ وَقُتَيْبَةُ بْنُ سَعِيدٍ - وَاللَّفْظُ لِيَحْيَىٰ - قَالَ يَحْيَىٰ: أَخْبَرَنَا. وَقَالَ الْآخَرَانِ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ - عَنْ ثَابِتٍ، عَنْ أَنَسِ بْنِ مَالِكٍ؛ أَنَّ النَّبِيَّ ﷺ رَأَىٰ عَلَىٰ عَبْدِ الرَّحْمَٰنِ بْنِ عَوْفٍ أَثَرَ صُفْرَةٍ. قَالَ: «مَا هٰذَا؟» قَالَ: يَا رَسُولَ اللهِ! إِنِّي تَزَوَّجْتُ امْرَأَةً عَلَىٰ وَزْنِ نَوَاةٍ مِنْ ذَهَبٍ. قَالَ: «فَبَارَكَ اللهُ لَكَ، أَوْلِمْ وَلَوْ بِشَاةٍ».

**[3490] 79 - (1427)** It was narrated from Anas bin Mâlik that the Prophet ﷺ saw on 'Abdur-Raḥmân bin 'Awf traces of *Ṣufrah* and he said: "What is this?" He said: "O Messenger of Allâh, I got married to a woman for a date-stone's weight of gold." He said: "May Allâh bless you. Give a wedding feast, even if it is with a sheep."

[3491] 80 - (...) It was narrated from Anas bin Mâlik that 'Abdur-Raḥmân bin 'Awf got married at the time of the Messenger of Allâh ﷺ, for a date-stone's weight of gold. The Messenger of Allâh ﷺ said to him: "Give a feast, even if it is with a sheep."

[٣٤٩١] ٨٠-(...) وحَدَّثَنَا مُحَمَّدُ ابْنُ عُبَيْدٍ الْغُبَرِيُّ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ؛ أَنَّ عَبْدَ الرَّحْمٰنِ بْنَ عَوْفٍ تَزَوَّجَ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، عَلَىٰ وَزْنِ نَوَاةٍ مِنْ ذَهَبٍ. فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «أَوْلِمْ وَلَوْ بِشَاةٍ».

[3492] 81 - (...) It was narrated from Anas that 'Abdur-Raḥmân bin 'Awf married a woman for a date-stone's weight of gold, and the Prophet ﷺ said to him: "Give a feast, even if it is with a sheep."

[٣٤٩٢] ٨١-(...) وحَدَّثَنَا إِسْحٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا وَكِيعٌ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ وَحُمَيْدٍ، عَنْ أَنَسٍ؛ أَنَّ عَبْدَ الرَّحْمٰنِ بْنَ عَوْفٍ تَزَوَّجَ امْرَأَةً عَلَىٰ وَزْنِ نَوَاةٍ مِنْ ذَهَبٍ وَأَنَّ النَّبِيَّ ﷺ قَالَ لَهُ: «أَوْلِمْ وَلَوْ بِشَاةٍ».

[3493] (...) It was narrated from Ḥumaid with this chain (a *Ḥadîth* similar to no. 3492), except that in the *Ḥadîth* of Wahb it says: "'Abdur-Raḥmân said: 'I got married to a woman.'"

[٣٤٩٣] (...) وحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا أَبُو دَاوُدَ؛ وَحَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ وَهٰرُونُ بْنُ عَبْدِ اللهِ قَالَا: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ؛ وَحَدَّثَنَا أَحْمَدُ بْنُ خِرَاشٍ: حَدَّثَنَا شَبَابَةُ، كُلُّهُمْ عَنْ شُعْبَةَ، عَنْ حُمَيْدٍ، بِهٰذَا الْإِسْنَادِ. غَيْرَ أَنَّ فِي حَدِيثِ وَهْبٍ قَالَ: قَالَ عَبْدُ الرَّحْمٰنِ: تَزَوَّجْتُ امْرَأَةً.

[3494] 82 - (...) Anas said: 'Abdur-Raḥmân bin 'Awf said: "The Messenger of Allâh ﷺ saw on me the signs of happiness of a bridegroom. I said: 'I have got married to a woman from among

[٣٤٩٤] ٨٢-(...) وحَدَّثَنَا إِسْحٰقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ قُدَامَةَ قَالَا: أَخْبَرَنَا النَّضْرُ بْنُ شُمَيْلٍ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ صُهَيْبٍ قَالَ:

the *Anṣâr*.' He said: "'How much did you give her as a dowry?'" He said: "A date-stone." In the *Hadîth* of Isḥâq (another narrator) it says: "Of gold."

سَمِعْتُ أَنَسًا يَقُولُ: قَالَ عَبْدُ الرَّحْمَٰنِ بْنُ عَوْفٍ: رَآنِي رَسُولُ اللهِ ﷺ وَعَلَيَّ بَشَاشَةُ الْعُرْسِ فَقُلْتُ: تَزَوَّجْتُ امْرَأَةً مِنَ الْأَنْصَارِ. فَقَالَ «كَمْ أَصْدَقْتَهَا؟» فَقُلْتُ: نَوَاةً. [وَ]فِي حَدِيثِ إِسْحَاقَ: مِنْ ذَهَبٍ.

**[3495] 83 - (...)** It was narrated from Anas bin Mâlik that 'Abdur-Raḥmân married a woman for a date-stone's weight of gold.

[٣٤٩٥] ٨٣-(...) **وحَدَّثَنَا** ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي حَمْزَةَ - قَالَ شُعْبَةُ: وَاسْمُهُ عَبْدُ الرَّحْمَٰنِ بْنُ أَبِي عَبْدِ اللهِ - عَنْ أَنَسِ بْنِ مَالِكٍ؛ أَنَّ عَبْدَ الرَّحْمَٰنِ تَزَوَّجَ امْرَأَةً عَلَىٰ وَزْنِ نَوَاةٍ مِنْ ذَهَبٍ.

**[3496] (...)** Shu'bah narrated it with this chain (a *Hadîth* similar to no. 3495), except that he said: "One of the sons of Abdur-Raḥmân bin 'Awf said: 'Of gold.'"

[٣٤٩٦] (...) **وَحَدَّثَنِيهِ** [مُحَمَّدُ] ابْنُ رَافِعٍ: حَدَّثَنَا وَهْبٌ: أَخْبَرَنَا شُعْبَةُ بِهَٰذَا الْإِسْنَادِ، غَيْرَ أَنَّهُ قَالَ: فَقَالَ رَجُلٌ مِنْ وَلَدِ عَبْدِ الرَّحْمَٰنِ بْنِ عَوْفٍ: مِنْ ذَهَبٍ.

## Chapter 14. The Virtue Of Manumitting One's Slave Girl Then Marrying Her

## (المعجم ١٤) - (بَابُ فضيلة إعتاقه أمته ثم يتزوجها) (التحفة ١٤)

**[3497] 84 - (1365)** It was narrated from Anas that the Messenger of Allâh ﷺ launched a campaign against Khaibar. "We prayed *Al-Ghadâh* (*Fajr*) there when it was still dark, then the Prophet of Allâh ﷺ rode and Abû Ṭalḥah rode, and I was seated behind Abû Ṭalḥah (on his mount). The Prophet ﷺ let

[٣٤٩٧] ٨٤-(١٣٦٥) **حَدَّثَنِي** زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عُلَيَّةَ، عَنْ عَبْدِ الْعَزِيزِ، عَنْ أَنَسٍ، أَنَّ رَسُولَ اللهِ ﷺ غَزَا خَيْبَرَ. قَالَ: فَصَلَّيْنَا عِنْدَهَا صَلَاةَ الْغَدَاةِ بِغَلَسٍ، فَرَكِبَ نَبِيُّ اللهِ ﷺ وَرَكِبَ أَبُو طَلْحَةَ وَأَنَا رَدِيفُ أَبِي

his mount run through the narrow streets of Khaibar, and my knee was touching the thigh of the Prophet of Allâh ﷺ. The *Izâr* slipped from the thigh of the Prophet of Allâh ﷺ and I could see the whiteness of the thigh of the Prophet of Allâh ﷺ. When he entered the town, he said: '*Allâhu Akbar*! Khaibar is destroyed! Then, when we descend in their courtyard (near to them), evil will be the morning for those who had been warned!'[1] He said it three times. The people had come out to their work and they said: 'Muḥammad! [by Allâh!]'" - (one of the narrators) 'Abdul-'Azîz said: 'Some of our companions said: 'Muḥammad and the army!' - "We seized Khaibar by force, and the prisoners were gathered together. Diḥyah came to him and said: 'O Messenger of Allâh, give me a woman from among the prisoners.' He said: 'Go and take a woman.' He chose Ṣafiyyah bint Ḥuyayy, then a man came to the Prophet of Allâh ﷺ and said: 'O Prophet of Allâh, you have given Diḥyah Ṣafiyyah bint Ḥuyayy, the first lady of Quraizah and An-Naḍîr? She is fit only for you.' He said: 'Call him to bring her here.' So he brought her, and when the Prophet ﷺ saw her, he said:

طَلْحَةَ، فَأَجْرَىٰ نَبِيُّ اللهِ ﷺ فِي زُقَاقِ خَيْبَرَ، وَإِنَّ رُكْبَتِي لَتَمَسُّ فَخِذَ نَبِيِّ اللهِ ﷺ وَانْحَسَرَ الْإِزَارُ عَنْ فَخِذِ نَبِيِّ اللهِ ﷺ، وَإِنِّي لَأَرَىٰ بَيَاضَ فَخِذِ نَبِيِّ اللهِ ﷺ، فَلَمَّا دَخَلَ الْقَرْيَةَ قَالَ: «اللهُ أَكْبَرُ خَرِبَتْ خَيْبَرُ، إِنَّا إِذَا نَزَلْنَا بِسَاحَةِ قَوْمٍ، فَسَاءَ صَبَاحُ الْمُنْذَرِينَ» قَالَهَا ثَلَاثَ مَرَّاتٍ. قَالَ: وَقَدْ خَرَجَ الْقَوْمُ إِلَىٰ أَعْمَالِهِمْ. فَقَالُوا: مُحَمَّدٌ - [وَاللهِ!] قَالَ عَبْدُ الْعَزِيزِ: وَقَالَ بَعْضُ أَصْحَابِنَا: [مُحَمَّدٌ]، - وَالْخَمِيسُ . قَالَ: وَأَصَبْنَاهَا عَنْوَةً، وَجُمِعَ السَّبْيُ، فَجَاءَهُ دِحْيَةُ فَقَالَ: يَا رَسُولَ اللهِ! أَعْطِنِي جَارِيَةً مِنَ السَّبْيِ. فَقَالَ: «اذْهَبْ فَخُذْ جَارِيَةً» فَأَخَذَ صَفِيَّةَ بِنْتَ حُيَيٍّ. فَجَاءَ رَجُلٌ إِلَىٰ نَبِيِّ اللهِ ﷺ فَقَالَ: يَا نَبِيَّ اللهِ! أَعْطَيْتَ دِحْيَةَ، صَفِيَّةَ بِنْتَ حُيَيٍّ، سَيِّدَةَ قُرَيْظَةَ وَالنَّضِيرِ؟ مَا تَصْلُحُ إِلَّا لَكَ. قَالَ: «ادْعُوهُ بِهَا» قَالَ: فَجَاءَ بِهَا، فَلَمَّا نَظَرَ إِلَيْهَا النَّبِيُّ ﷺ قَالَ: «خُذْ جَارِيَةً مِنَ السَّبْيِ غَيْرَهَا» قَالَ: وَأَعْتَقَهَا وَتَزَوَّجَهَا.

فَقَالَ لَهُ ثَابِتٌ: يَا أَبَا حَمْزَةَ! مَا أَصْدَقَهَا؟ قَالَ: نَفْسَهَا، أَعْتَقَهَا

[1] Similar to Allâh's saying in *Sûrat Aṣ-Ṣaffât* (37:177).

'Take another woman from among the prisoners.' And he set her free and married her."

Thâbit said to him: "O Abû Ḥamzah, what dowry did he give her?" He said: "Herself; he set her free then married her. Then when he was on the road, Umm Sulaim prepared her for him and gave her to him at night, and the following morning the Prophet ﷺ was a bridegroom, and he said: 'Whoever has anything (of food) let him bring it.' He spread out a cloth and men started bringing cottage cheese, dates and cooking fat. They made *Ḥais*, and that was the wedding feast of the Messenger of Allâh ﷺ."

وَتَزَوَّجَهَا، حَتَّى إِذَا كَانَ بِالطَّرِيقِ جَهَّزَتْهَا لَهُ أُمُّ سُلَيْمٍ، فَأَهْدَتْهَا لَهُ مِنَ اللَّيْلِ، فَأَصْبَحَ النَّبِيُّ ﷺ عَرُوسًا. فَقَالَ: «مَنْ كَانَ عِنْدَهُ شَيْءٌ فَلْيَجِىءْ بِهِ» قَالَ: وَبَسَطَ نِطَعًا. قَالَ: فَجَعَلَ الرَّجُلُ يَجِيءُ بِالْأَقِطِ، وَجَعَلَ الرَّجُلُ يَجِيءُ بِالتَّمْرِ، وَجَعَلَ الرَّجُلُ يَجِيءُ بِالسَّمْنِ، فَحَاسُوا حَيْسًا، فَكَانَتْ وَلِيمَةَ رَسُولِ اللهِ ﷺ.

[راجع: ٣٣٢١]

**[3498] 85 - (...)** It was narrated from Anas that the Prophet ﷺ manumitted Ṣafiyyah and made her manumission her dowry. In the *Ḥadîth* of Mu'â**dh** from his father it says: "He married Ṣafiyyah and her manumission was her dowry."

**[٣٤٩٨] ٨٥-(...) وحَدَّثني** أَبُو الرَّبِيعِ الزَّهْرَانِيُّ: حَدَّثَنَا حَمَّادٌ يَعْنِي ابْنَ زَيْدٍ، عَنْ ثَابِتٍ وَعَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَنَسٍ؛ وَحَدَّثَنَاهُ قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا حَمَّادٌ عَنْ ثَابِتٍ وَشُعَيْبِ بْنِ حَبْحَابٍ، عَنْ أَنَسٍ؛ وَحَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ قَتَادَةَ وَعَبْدِ الْعَزِيزِ، عَنْ أَنَسٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ الْغُبَرِيُّ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ أَبِي عُثْمَانَ، عَنْ أَنَسٍ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ شُعَيْبِ بْنِ الْحَبْحَابِ، عَنْ أَنَسٍ؛

وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ وَعُمَرُ بْنُ سَعْدٍ وَعَبْدُ الرَّزَّاقِ، جَمِيعًا عَنْ سُفْيَانَ، عَنْ يُونُسَ بْنِ عُبَيْدٍ، عَنْ شُعَيْبِ بْنِ الْحَبْحَابِ، عَنْ أَنَسٍ. كُلُّهُمْ عَنِ النَّبِيِّ ﷺ أَنَّهُ أَعْتَقَ صَفِيَّةَ وَجَعَلَ عِتْقَهَا صَدَاقَهَا. وَفِي حَدِيثِ مُعَاذٍ عَنْ أَبِيهِ: تَزَوَّجَ صَفِيَّةَ وَأَصْدَقَهَا عِتْقَهَا.

**[3499] 86 - (154)** It was narrated that Abû Mûsâ said: "The Messenger of Allâh ﷺ said concerning the one who frees his slave woman then marries her: 'He will have two rewards.'"

[٣٤٩٩] ٨٦-(١٥٤) وحَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ: أَخْبَرَنَا خَالِدُ بْنُ عَبْدِ اللهِ، عَنْ مُطَرِّفٍ، عَنْ عَامِرٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَىٰ قَالَ: قَالَ رَسُولُ اللهِ ﷺ، فِي الَّذِي يُعْتِقُ جَارِيَتَهُ ثُمَّ يَتَزَوَّجُهَا: «لَهُ أَجْرَانِ». [راجع: ٣٨٧]

**[3500] 87 - (1365)** It was narrated that Anas said: "I was riding behind Abû Ṭalḥah on the Day of Khaibar, and my foot was touching the foot of the Messenger of Allâh ﷺ. We came to them (the people of Khaibar) when the sun had risen, and they had brought out their livestock and their axes, large baskets and hatchets. They said: 'Muḥammad and the army!' The Messenger of Allâh ﷺ said: 'Khaibar is destroyed! When we descend in their courtyard (near to them), evil will be the morning for those who had been warned!' Allâh, [the Mighty and Sublime],

[٣٥٠٠] ٨٧-(١٣٦٥) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَّانُ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ: حَدَّثَنَا ثَابِتٌ عَنْ أَنَسٍ قَالَ: كُنْتُ رِدْفَ أَبِي طَلْحَةَ يَوْمَ خَيْبَرَ، وَقَدَمِي تَمَسُّ قَدَمَ رَسُولِ اللهِ ﷺ. قَالَ: فَأَتَيْنَاهُمْ حِينَ بَزَغَتِ الشَّمْسُ، وَقَدْ أَخْرَجُوا مَوَاشِيَهُمْ وَخَرَجُوا بِفُؤُوسِهِمْ وَمَكَاتِلِهِمْ وَمُرُورِهِمْ. فَقَالُوا: مُحَمَّدٌ وَالْخَمِيسُ قَالَ: فَقَالَ رَسُولُ اللهِ ﷺ «خَرِبَتْ خَيْبَرُ إِنَّا إِذَا نَزَلْنَا بِسَاحَةِ قَوْمٍ فَسَاءَ صَبَاحُ الْمُنْذَرِينَ» قَالَ: وَهَزَمَهُمُ اللهُ

defeated them. There fell to the lot of Diḥyah a beautiful slave woman, and the Messenger of Allâh ﷺ bought her for seven slaves, then he gave her to Umm Sulaim to prepare her and adorn her for him" - he (the narrator) said: "I think he said: 'And so that she could observe her *'Iddah* in her house.'"

"That was Ṣafiyyah bint Ḥuyayy. The Messenger of Allâh ﷺ made her wedding feast dates, cottage cheese, and cooking fat. Shallow pits were dug in the ground and leather mats were placed in them, and cottage cheese and cooking fat were brought and the people ate their fill. The people said: 'We do not know if he has married her or taken her as a concubine.' They said: 'If he veils her then she is his wife, and if he does not veil her then she is a concubine.' When he wanted to ride, he veiled her, and she sat on the back of the camel, so they knew that he had married her. When they drew near Al-Madînah, the Messenger of Allâh ﷺ sped up and we sped up too. The she-camel Al-Aḍbâ' stumbled and the Messenger of Allâh ﷺ fell, and she (Ṣafiyyah) fell too, then he got up and screend her. The women were looking on and they said: 'May Allâh keep the Jewess away from us!'"

I (the narrator) said: "O Abû

[عَزَّ وَجَلَّ] وَوَقَعَتْ فِي سَهْمِ دِحْيَةَ جَارِيَةٌ جَمِيلَةٌ، فَاشْتَرَاهَا رَسُولُ اللهِ ﷺ بِسَبْعَةِ أَرْؤُسٍ، ثُمَّ دَفَعَهَا إِلَىٰ أُمِّ سُلَيْمٍ تُصَنِّعُهَا لَهُ وَتُهَيِّئُهَا - قَالَ: وَأَحْسِبُهُ قَالَ- وَتَعْتَدُّ فِي بَيْتِهَا، وَهِيَ صَفِيَّةُ بِنْتُ حُيَيٍّ. قَالَ: وَجَعَلَ رَسُولُ اللهِ ﷺ وَلِيمَتَهَا التَّمْرَ وَالْأَقِطَ وَالسَّمْنَ، فُحِصَتِ الْأَرْضُ أَفَاحِيصَ، وَجِيءَ بِالْأَنْطَاعِ، فَوُضِعَتْ فِيهَا، وَجِيءَ بِالْأَقِطِ وَالسَّمْنِ فَشَبِعَ النَّاسُ. قَالَ: وَقَالَ النَّاسُ: لَا نَدْرِي أَتَزَوَّجَهَا أَمِ اتَّخَذَهَا أُمَّ وَلَدٍ، قَالُوا: إِنْ حَجَبَهَا فَهِيَ امْرَأَتُهُ، وَإِنْ لَمْ يَحْجُبْهَا فَهِيَ أُمُّ وَلَدٍ، فَلَمَّا أَرَادَ أَنْ يَرْكَبَ حَجَبَهَا، فَقَعَدَتْ عَلَىٰ عَجُزِ الْبَعِيرِ فَعَرَفُوا أَنَّهُ قَدْ تَزَوَّجَهَا، فَلَمَّا دَنَوْا مِنَ الْمَدِينَةِ دَفَعَ رَسُولُ اللهِ ﷺ، وَدَفَعْنَا. قَالَ: فَعَثَرَتِ النَّاقَةُ الْعَضْبَاءُ، وَنَدَرَ رَسُولُ اللهِ ﷺ وَنَدَرَتْ، فَقَامَ فَسَتَرَهَا، وَقَدْ أَشْرَفَتِ النِّسَاءُ. يَقُلْنَ: أَبْعَدَ اللهُ الْيَهُودِيَّةَ.

قَالَ: قُلْتُ: يَا أَبَا حَمْزَةَ! أَوَقَعَ رَسُولُ اللهِ ﷺ؟ قَالَ: إِي وَاللَّهِ! لَقَدْ وَقَعَ.

قَالَ أَنَسٌ: وَشَهِدْتُ وَلِيمَةَ زَيْنَبَ، فَأَشْبَعَ النَّاسَ خُبْزًا وَلَحْمًا، وَكَانَ يَبْعَثُنِي

Ḥamzah, did the Messenger of Allâh ﷺ fall?" He said: "Yes, by Allâh, he fell."

Anas said: "And I attended the *Walîmah* (wedding feast) of Zainab. The people ate their fill of bread and meat, and he used to send me to invite the people. When he had finished (eating), he got up and I followed him. Two men stayed behind, talking, and they did not leave. He went around to his wives and greeted each one of them, saying: 'Peace be upon you, how are you, O members of the household?' And they would say: 'We are fine, O Messenger of Allâh. How did you find your wife?' And he said: 'Fine.' When he had finished, he went back and I went back with him. When he reached the door, those two men were still there, talking. When they saw that he had come back, they got up and left. By Allâh, I do not know whether I told him or whether it was revealed to him that they had left. So he went back, and I went back with him, and when he put his foot on the threshold of the door he drew the curtain between myself and himself, and Allâh [the Most High] revealed this verse:

"O you who believe! Enter not the Prophet's houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation. But when you are invited, enter, and

فَأَدْعُو النَّاسَ، فَلَمَّا فَرَغَ قَامَ وَتَبِعْتُهُ، فَتَخَلَّفَ رَجُلَانِ اسْتَأْنَسَ بِهِمَا الْحَدِيثُ، لَمْ يَخْرُجَا، فَجَعَلَ يَمُرُّ عَلَىٰ نِسَائِهِ، فَيُسَلِّمُ عَلَىٰ كُلِّ وَاحِدَةٍ مِنْهُنَّ: «سَلَامٌ عَلَيْكُمْ، كَيْفَ أَنْتُمْ يَا أَهْلَ الْبَيْتِ؟» فَيَقُولُونَ: بِخَيْرٍ. يَا رَسُولَ اللهِ! كَيْفَ وَجَدْتَ أَهْلَكَ؟ فَيَقُولُ: «بِخَيْرٍ» فَلَمَّا فَرَغَ رَجَعَ وَرَجَعْتُ مَعَهُ، فَلَمَّا بَلَغَ الْبَابَ إِذَا هُوَ بِالرَّجُلَيْنِ قَدِ اسْتَأْنَسَ بِهِمَا الْحَدِيثُ، فَلَمَّا رَأَيَاهُ قَدْ رَجَعَ قَامَا فَخَرَجَا، فَوَاللهِ! مَا أَدْرِي أَنَا أَخْبَرْتُهُ أَمْ أُنْزِلَ عَلَيْهِ الْوَحْيُ بِأَنَّهُمَا قَدْ خَرَجَا، فَرَجَعَ وَرَجَعْتُ مَعَهُ، فَلَمَّا وَضَعَ رِجْلَهُ فِي أُسْكُفَّةِ الْبَابِ أَرْخَى الْحِجَابَ بَيْنِي وَبَيْنَهُ، وَأَنْزَلَ اللهُ [تَعَالَى] هَٰذِهِ الْآيَةَ: ﴿لَا تَدْخُلُوا بُيُوتَ النَّبِيِّ إِلَّآ أَن يُؤْذَنَ لَكُمْ﴾ [الأحزاب: ٥٣] الْآيَةَ. [راجع: ٣٣٢١، ٣٤٩٧]

when you have taken your meal, disperse without sitting for a talk. Verily, such (behavior) annoys the Prophet, and he is shy of (asking) you (to go); but Allâh is not shy of (telling you) the truth. And when you ask (his wives) for anything you want, ask them from behind a screen, that is purer for your hearts and for their hearts. And it is not (right) for you that you should annoy Allâh's Messenger, nor that you should ever marry his wives after him (his death). Verily, with Allâh that shall be an enormit."[1]

**[3501] 88 - (1365)** Anas said: "Ṣafiyyah fell to the lot of Diḥyah and they started praising her before the Messenger of Allâh ﷺ. They said: 'We have never seen any captive like her.' He sent word to Diḥyah and gave him whatever he wanted, then he gave her to my mother, and said: 'Prepare her.' Then the Messenger of Allâh ﷺ left Khaibar, and when it was behind him, he halted and put up a tent for her. The next morning the Messenger of Allâh ﷺ said: 'Whoever has any surplus provisions, let him bring it.' Men started bringing surplus dates and surplus *Sawîq* until they made a pile of *Ḥais*. They started eating from that *Ḥais* and drinking from a cistern of rainwater that was beside them." Anas said: "And that was the wedding feast of the

**[٣٥٠١] ٨٨-(١٣٦٥) حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا شَبَابَةُ: حَدَّثَنَا سُلَيْمَانُ عَنْ ثَابِتٍ، عَنْ أَنَسٍ؛ وَحَدَّثَنِيهِ عَبْدُ اللهِ بْنُ هَاشِمِ بْنِ حَيَّانَ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا بَهْزٌ: حَدَّثَنَا سُلَيْمَانُ بْنُ الْمُغِيرَةِ عَنْ ثَابِتٍ: حَدَّثَنَا أَنَسٌ قَالَ: صَارَتْ صَفِيَّةُ لِدَحْيَةَ فِي مَقْسَمِهِ، وَجَعَلُوا يَمْدَحُونَهَا عِنْدَ رَسُولِ اللهِ ﷺ. قَالَ: وَيَقُولُونَ: مَا رَأَيْنَا فِي السَّبْيِ مِثْلَهَا. قَالَ: فَبَعَثَ إِلَىٰ دِحْيَةَ فَأَعْطَاهُ بِهَا مَا أَرَادَ، ثُمَّ دَفَعَهَا إِلَىٰ أُمِّي فَقَالَ «أَصْلِحِيهَا» قَالَ: ثُمَّ خَرَجَ رَسُولُ اللهِ ﷺ مِنْ خَيْبَرَ، حَتَّى إِذَا جَعَلَهَا فِي ظَهْرِهِ نَزَلَ، ثُمَّ ضَرَبَ عَلَيْهَا الْقُبَّةَ، فَلَمَّا أَصْبَحَ قَالَ رَسُولُ

[1] *Al-Aḥzâb* 33:53.

Messenger of Allâh ﷺ when he married her. Then we set out, and when we saw the walls of Al-Madînah we were excited and made our mounts go faster. The Messenger of Allâh ﷺ also made his mount go faster. Ṣafiyyah was riding behind the Messenger of Allâh ﷺ and the mount of the Messenger of Allâh ﷺ stumbled and he fell, and she fell too. No one among the people looked at him or her until the Messenger of Allâh ﷺ got up and screened her. Then we came to him, and he said: 'We are not hurt.' Then we entered Al-Madînah, and the young ones among his wives came out to have a look at her, and they expressed joy at her fall."

اللهِ ﷺ «مَنْ كَانَ عِنْدَهُ فَضْلُ زَادٍ فَلْيَأْتِنَا بِهِ» قَالَ: فَجَعَلَ الرَّجُلُ يَجِيءُ بِفَضْلِ التَّمْرِ وَفَضْلِ السَّوِيقِ، حَتَّى جَعَلُوا مِنْ ذَٰلِكَ سَوَادًا حَيْسًا، فَجَعَلُوا يَأْكُلُونَ مِنْ ذَٰلِكَ الْحَيْسِ، وَيَشْرَبُونَ مِنْ حِيَاضٍ إِلَىٰ جَنْبِهِمْ مِنْ مَاءِ السَّمَاءِ. قَالَ: فَقَالَ أَنَسٌ: فَكَانَتْ تِلْكَ وَلِيمَةَ رَسُولِ اللهِ ﷺ عَلَيْهَا. قَالَ: فَانْطَلَقْنَا، حَتَّى إِذَا رَأَيْنَا جُدُرَ الْمَدِينَةِ هِشْنَا إِلَيْهَا، فَرَفَعْنَا مَطِيَّنَا، وَرَفَعَ رَسُولُ اللهِ ﷺ مَطِيَّتَهُ. قَالَ: وَصَفِيَّةُ خَلْفَهُ قَدْ أَرْدَفَهَا [رَسُولُ اللهِ ﷺ]. قَالَ: فَعَثَرَتْ مَطِيَّةُ رَسُولِ اللهِ ﷺ. فَصُرِعَ وَصُرِعَتْ. قَالَ: فَلَيْسَ أَحَدٌ مِنَ النَّاسِ يَنْظُرُ إِلَيْهِ وَلَا إِلَيْهَا، حَتَّى قَامَ رَسُولُ اللهِ ﷺ فَسَتَرَهَا. قَالَ: فَأَتَيْنَاهُ فَقَالَ «لَمْ نُضَرَّ» قَالَ: فَدَخَلْنَا الْمَدِينَةَ، فَخَرَجَ جَوَارِي نِسَائِهِ يَتَرَاءَيْنَهَا وَيَشْمَتْنَ بِصَرْعَتِهَا. [راجع: ٣٣٢١، ٣٤٩٧، ٣٥٠٠]

## Chapter 15. The Marriage Of Zainab Bint Jaḥsh, The Revelation Of (The Verse Of) *Ḥijâb*, And Confirmation Of The Importance Of The Wedding Feast

## (المعجم ١٥) - (بَابُ زواج زينب بنت جحش، ونزول الحجاب، وإثبات وليمة العرس) (التحفة ١٥)

**[3502] 89 - (1428)** It was narrated, and this is the *Ḥadîth* of Bahz, that, Anas said: "When the

**[٣٥٠٢] ٨٩-(١٤٢٨) حَدَّثَنِي** مُحَمَّدُ بْنُ حَاتِمِ بْنِ مَيْمُونٍ: حَدَّثَنَا بَهْزٌ؛

*'Iddah* of Zainab was over, the Messenger of Allâh ﷺ said to Zaid: 'Make mention of me to her (for marriage).' Zaid set out, and came to her when she was adding yeast to her dough. He said: When I saw her, I felt a great deal of respect for her, and I could not look at her, because the Messenger of Allâh ﷺ had mentioned her. So I turned my back on her and stepped backwards, and I said: "O Zainab, the Messenger of Allâh ﷺ has sent a proposal of marriage to you." She said: "I will not do anything until I consult my Lord.' Then she went to her prayer place. Then Qur'ân was revealed, and the Messenger of Allâh ﷺ came and entered upon her without permission." He said: "And I remember the Messenger of Allâh ﷺ gave us bread and meat to eat when it was daylight, then the people left, but some men stayed behind in the house, talking after the meal. The Messenger of Allâh ﷺ went out and I followed him. He started going around to the apartments of his wives, greeting them, and they said: 'O Messenger of Allâh, how did you find your wife?' I do not know whether I told him that those people had left or he told me. He went and entered the house, and I went to enter with him, but he drew the curtain between myself

وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا أَبُو النَّضْرِ هَاشِمُ بْنُ الْقَاسِمِ، قَالَا جَمِيعًا: حَدَّثَنَا سُلَيْمَانُ بْنُ الْمُغِيرَةِ عَنْ ثَابِتٍ، عَنْ أَنَسٍ وَهَٰذَا حَدِيثُ بَهْزٍ قَالَ: لَمَّا انْقَضَتْ عِدَّةُ زَيْنَبَ قَالَ رَسُولُ اللهِ ﷺ لِزَيْدٍ: «فَاذْكُرْهَا عَلَيَّ» قَالَ: فَانْطَلَقَ زَيْدٌ حَتَّى أَتَاهَا وَهِيَ تُخَمِّرُ عَجِينَهَا. قَالَ: فَلَمَّا رَأَيْتُهَا عَظُمَتْ فِي صَدْرِي، حَتَّى مَا أَسْتَطِيعُ أَنْ أَنْظُرَ إِلَيْهَا أَنَّ رَسُولَ اللهِ ﷺ ذَكَرَهَا، فَوَلَّيْتُهَا ظَهْرِي وَنَكَصْتُ عَلَىٰ عَقِبِي. فَقُلْتُ: يَا زَيْنَبُ! أَرْسَلَ رَسُولُ اللهِ ﷺ يَذْكُرُكِ. قَالَتْ: مَا أَنَا بِصَانِعَةٍ شَيْئًا حَتَّى أُوَامِرَ رَبِّي، فَقَامَتْ إِلَىٰ مَسْجِدِهَا، وَنَزَلَ الْقُرْآنُ، وَجَاءَ رَسُولُ اللهِ ﷺ فَدَخَلَ عَلَيْهَا بِغَيْرِ إِذْنٍ. قَالَ: فَقَالَ: وَلَقَدْ رَأَيْتُنَا أَنَّ رَسُولَ اللهِ ﷺ أَطْعَمَنَا الْخُبْزَ وَاللَّحْمَ حِينَ امْتَدَّ النَّهَارُ، فَخَرَجَ النَّاسُ وَبَقِيَ رِجَالٌ يَتَحَدَّثُونَ فِي الْبَيْتِ بَعْدَ الطَّعَامِ، فَخَرَجَ رَسُولُ اللهِ ﷺ وَاتَّبَعْتُهُ، فَجَعَلَ يَتَتَبَّعُ حُجَرَ نِسَائِهِ يُسَلِّمُ عَلَيْهِنَّ. وَيَقُلْنَ: يَا رَسُولَ اللهِ! كَيْفَ وَجَدْتَ أَهْلَكَ؟ قَالَ: فَمَا أَدْرِي أَنَا أَخْبَرْتُهُ أَنَّ الْقَوْمَ قَدْ خَرَجُوا أَوْ أَخْبَرَنِي. قَالَ: فَانْطَلَقَ حَتَّى دَخَلَ الْبَيْتَ، فَذَهَبْتُ

and himself, and the verse of *Ḥijâb* was revealed, and the people were exhorted with what they were exhorted."

Ibn Râfi' added in his *Ḥadîth*: "Enter not the Prophet's houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation" up to His saying: "Allâh is not shy of (telling you) the truth."

أَدْخُلُ مَعَهُ فَأَلْقَى السِّتْرَ بَيْنِي وَبَيْنَهُ، وَنَزَلَ الْحِجَابُ. قَالَ: وَوُعِظَ الْقَوْمُ بِمَا وُعِظُوا بِهِ.

زَادَ ابْنُ رَافِعٍ فِي حَدِيثِهِ: ﴿لَا تَدْخُلُوا بُيُوتَ ٱلنَّبِيِّ إِلَّآ أَن يُؤْذَنَ لَكُمْ إِلَىٰ طَعَامٍ غَيْرَ نَٰظِرِينَ إِنَىٰهُ﴾ إِلَىٰ قَوْلِهِ: ﴿وَٱللَّهُ لَا يَسْتَحْيِۦ مِنَ ٱلْحَقِّ﴾.

**[3503] 90 - (...)** It was narrated that Anas said: "I did not see the Messenger of Allâh ﷺ give a wedding feast for any of his wives like the feast he gave for Zainab, for which he slaughtered a sheep."

**[٣٥٠٣] ٩٠-(...) حَدَّثَنِي** أَبُو الرَّبِيعِ الزَّهْرَانِيُّ وَأَبُو كَامِلٍ فُضَيْلُ ابْنُ حُسَيْنٍ وَقُتَيْبَةُ [ابْنُ سَعِيدٍ] قَالُوا: حَدَّثَنَا حَمَّادٌ وَهُوَ ابْنُ زَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَنَسٍ - وَفِي رِوَايَةِ أَبِي كَامِلٍ: سَمِعْتُ أَنَسًا - قَالَ: مَا رَأَيْتُ رَسُولَ اللهِ ﷺ أَوْلَمَ عَلَىٰ امْرَأَةٍ - وَقَالَ أَبُو كَامِلٍ: عَلَىٰ شَيْءٍ - مِنْ نِسَائِهِ، مَا أَوْلَمَ عَلَىٰ زَيْنَبَ، فَإِنَّهُ ذَبَحَ شَاةً.

**[3504] 91 - (...)** It was narrated that 'Abdul-'Azîz bin Suhaib said: "I heard Anas bin Mâlik say: 'The Messenger of Allâh ﷺ did not give a wedding feast for any of his wives greater or better than the feast he gave for Zainab." Thâbit Al-Bunânî said: "What did he give them?" He said: "He gave them bread and meat, until they had eaten their fill."

**[٣٥٠٤] ٩١-(...) وحَدَّثَنَا** مُحَمَّدُ ابْنُ عَمْرِو بْنِ عَبَّادِ بْنِ جَبَلَةَ بْنِ أَبِي رَوَّادٍ وَمُحَمَّدُ بْنُ بَشَّارٍ. قَالَا: حَدَّثَنَا مُحَمَّدٌ وَ هُوَ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ قَالَ: سَمِعْتُ أَنَسَ بْنَ مَالِكٍ يَقُولُ: مَا أَوْلَمَ رَسُولُ اللهِ ﷺ عَلَىٰ امْرَأَةٍ مِنْ نِسَائِهِ أَكْثَرَ أَوْ أَفْضَلَ مِمَّا أَوْلَمَ

عَلَىٰ زَيْنَبَ. فَقَالَ ثَابِتٌ الْبُنَانِيُّ: بِمَا أَوْلَمَ؟ قَالَ: أَطْعَمَهُمْ خُبْزًا وَلَحْمًا حَتَّى تَرَكُوهُ.

[3505] 92 - (...) It was narrated that Anas bin Mâlik said: "When the Prophet ﷺ married Zainab bint Jahsh, he invited the people and they ate, then they sat and talked. He made a move as if to stand up, but they did not get up. When he saw that, he got up, and when he got up, some of the people got up and left."

'Âṣim and Ibn 'Abdul-A'la added in their *Hadîth*: "Three men remained sitting, and when the Prophet ﷺ came to enter the apartment, they were still sitting there, then they got up and left. I came and told the Prophet ﷺ that they had left, so he came and went in. I went to go in as well, but he drew the curtain between myself and himself, and Allâh, [the Mighty and Sublime] revealed: O you who believe! Enter not the Prophet's houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation. up to His saying: Verily, with Allâh that shall be an enormity."[1]

[٣٥٠٥] ٩٢-(...) حَدَّثَنَا يَحْيَى ابْنُ حَبِيبٍ الْحَارِثِيُّ وعَاصِمُ بْنُ النَّضْرِ التَّيْمِيُّ، ومُحَمَّدُ بْنُ عَبْدِ الأَعْلَىٰ، كُلُّهُمْ عَنْ مُعْتَمِرٍ - وَاللَّفْظُ لِابْنِ حَبِيبٍ -: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ قَالَ: سَمِعْتُ أَبِي: حَدَّثَنَا أَبُو مِجْلَزٍ عَنْ أَنَسِ بْنِ مَالِكٍ. قَالَ: لَمَّا تَزَوَّجَ النَّبِيُّ ﷺ زَيْنَبَ بِنْتَ جَحْشٍ، دَعَا الْقَوْمَ فَطَعِمُوا، ثُمَّ جَلَسُوا يَتَحَدَّثُونَ. قَالَ: فَأَخَذَ كَأَنَّهُ يَتَهَيَّأُ لِلْقِيَامِ فَلَمْ يَقُومُوا، فَلَمَّا رَأَى ذٰلِكَ قَامَ، فَلَمَّا قَامَ، قَامَ مَنْ قَامَ مِنَ الْقَوْمِ.

زَادَ عَاصِمٌ وَابْنُ عَبْدِ الْأَعْلَىٰ فِي حَدِيثِهِمَا قَالَ: فَقَعَدَ ثَلَاثَةٌ، وَإِنَّ النَّبِيَّ ﷺ جَاءَ لِيَدْخُلَ فَإِذَا الْقَوْمُ جُلُوسٌ، ثُمَّ إِنَّهُمْ قَامُوا فَانْطَلَقُوا. قَالَ: فَجِئْتُ فَأَخْبَرْتُ النَّبِيَّ ﷺ أَنَّهُمْ قَدِ انْطَلَقُوا. قَالَ: فَجَاءَ حَتَّى دَخَلَ، فَذَهَبْتُ أَدْخُلُ فَأَلْقَى الْحِجَابَ بَيْنِي وَبَيْنَهُ. قَالَ: وَأَنْزَلَ اللهُ [عَزَّ وَجَلَّ]: ﴿يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تَدْخُلُوا۟ بُيُوتَ ٱلنَّبِىِّ إِلَّآ أَن يُؤْذَنَ

[1] *Al-Ahzâb* 33:53.

لَكُمْ إِلَىٰ طَعَامٍ غَيْرَ نَٰظِرِينَ إِنَىٰهُ﴾ إِلَىٰ قَوْلِهِ: ﴿إِنَّ ذَٰلِكُمْ كَانَ عِندَ ٱللَّهِ عَظِيمًا﴾.

[3506] 93 - (...) Anas bin Mâlik said: "I am the most knowledgeable of the people concerning *Ḥijâb*. Ubayy bin Ka'b used to ask me about it." Anas said: "The day after the Messenger of Allâh ﷺ married Zainab bint Jahsh, whom he married in Al-Madînah, he invited the people to come and eat in the mid-morning. The Messenger of Allâh ﷺ sat and some men sat with him after the people had left. Then the Messenger of Allâh ﷺ got up and walked, and I walked with him, until he reached the door of 'Âishah's apartment. Then he thought that they had left, so he went back, and I went back with him, and they were still sitting there. Then he went back to 'Âishah's door a second time, and I went with him, then he went back and I went back, and they had left. Then he drew the curtain between myself and himself, and the verse of *Ḥijâb* was revealed."

[٣٥٠٦] ٩٣-(...) وحَدَّثَني عَمْرٌو النَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ. قَالَ ابْنُ شِهَابٍ: إِنَّ أَنَسَ بْنَ مَالِكٍ قَالَ: أَنَا أَعْلَمُ النَّاسِ بِالْحِجَابِ، لَقَدْ كَانَ أُبَيُّ بْنُ كَعْبٍ يَسْأَلُنِي عَنْهُ. قَالَ أَنَسٌ: أَصْبَحَ رَسُولُ اللهِ ﷺ عَرُوسًا بِزَيْنَبَ بِنْتِ جَحْشٍ. قَالَ: وَكَانَ تَزَوَّجَهَا بِالْمَدِينَةِ، فَدَعَا النَّاسَ لِلطَّعَامِ بَعْدَ ارتِفَاعِ النَّهَارِ، فَجَلَسَ رَسُولُ اللهِ ﷺ وَجَلَسَ مَعَهُ رِجَالٌ بَعْدَمَا قَامَ الْقَوْمُ، حَتَّى قَامَ رَسُولُ اللهِ ﷺ، فَمَشَىٰ فَمَشَيْتُ مَعَهُ حَتَّى بَلَغَ بَابَ حُجْرَةِ عَائِشَةَ، ثُمَّ ظَنَّ أَنَّهُمْ قَدْ خَرَجُوا فَرَجَعَ وَرَجَعْتُ مَعَهُ، فَإِذَا هُمْ جُلُوسٌ مَكَانَهُمْ، فَرَجَعَ فَرَجَعْتُ الثَّانِيَةَ، حَتَّى بَلَغَ حُجْرَةَ عَائِشَةَ، فَرَجَعَ فَرَجَعْتُ، فَإِذَا هُمْ قَدْ قَامُوا، فَضَرَبَ بَيْنِي وَبَيْنَهُ السِّتْرَ، وَأُنْزِلَ آيَةُ الْحِجَابِ.

[3507] 94 - (...) It was narrated that Anas bin Mâlik said: "The Messenger of Allâh ﷺ got married, then entered with his wife. My mother Umm Sulaim

[٣٥٠٧] ٩٤-(...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا جَعْفَرٌ يَعْنِي ابْنَ سُلَيْمَانَ، عَنِ الْجَعْدِ أَبِي عُثْمَانَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ:

made some *Ḥais* and put it in a stone vessel, then she said: 'O Anas, take this to the Messenger of Allâh ﷺ and say: "My mother has sent this to you, and she sends greetings of *Salâm* to you," and tell him she says: "This is a small gift to you from us, O Messenger of Allâh."' So I took it to the Messenger of Allâh ﷺ and said: 'My mother sends greetings of *Salâm* to you and she says: "This is a small gift to you from us, O Messenger of Allâh."' He said: 'Put it down.' Then he said: 'Go and invite so-and-so for me, and whomever you meet,' and he mentioned some men by name. I invited those whom he had named, and whoever else I met." He (the narrator) said: "I said to Anas: 'How many were they?' He said: 'Around three hundred.'"

And the Messenger of Allâh ﷺ said to me: "O Anas, bring the stone vessel." They came in until they filled the courtyard and the apartment. The Messenger of Allâh ﷺ said: "Let them make circles of ten, and let each man eat from what is nearest to him." Groups came one after another and they all ate until they were full, then he said to me: "O Anas, clear it away." I picked it up, and I do not know whether it held more when I put it down or when I picked it up. Some of them sat talking in the house of the Messenger of Allâh ﷺ, and the

تَزَوَّجَ رَسُولُ اللهِ ﷺ فَدَخَلَ بِأَهْلِهِ. قَالَ: فَصَنَعَتْ أُمِّي أُمُّ سُلَيْمٍ حَيْسًا فَجَعَلَتْهُ فِي تَوْرٍ. فَقَالَتْ: يَا أَنَسُ! اذْهَبْ بِهٰذَا إِلَىٰ رَسُولِ اللهِ ﷺ. فَقُلْ بَعَثَتْ بِهٰذَا إِلَيْكَ أُمِّي، وَهِيَ تُقْرِئُكَ السَّلَامَ. وَتَقُولُ: إِنَّ هٰذَا لَكَ مِنَّا قَلِيلٌ، يَا رَسُولَ اللهِ! قَالَ: فَذَهَبْتُ بِهَا إِلَىٰ رَسُولِ اللهِ ﷺ. فَقُلْتُ: إِنَّ أُمِّي تُقْرِئُكَ السَّلَامَ وَتَقُولُ: إِنَّ هٰذَا لَكَ مِنَّا قَلِيلٌ، [يَا رَسُولَ اللهِ!] فَقَالَ: «ضَعْهُ» ثُمَّ قَالَ: «اذْهَبْ فَادْعُ لِي فُلَانًا وَفُلَانًا وَفُلَانًا، وَمَنْ لَقِيتَ» وَسَمَّىٰ رِجَالًا. قَالَ: فَدَعَوْتُ مَنْ سَمَّىٰ وَمَنْ لَقِيتُ. قَالَ: قُلْتُ لِأَنَسٍ: عَدَدَ كَمْ كَانُوا؟ قَالَ: زُهَاءَ ثَلَاثِمِائَةٍ.

وَقَالَ لِي رَسُولُ اللهِ ﷺ: «يَا أَنَسُ! هَاتِ التَّوْرَ» قَالَ: فَدَخَلُوا حَتَّى امْتَلَأَتِ الصُّفَّةُ وَالْحُجْرَةُ. فَقَالَ رَسُولُ اللهِ ﷺ: «لِيَتَحَلَّقْ عَشَرَةٌ عَشَرَةٌ وَلْيَأْكُلْ كُلُّ إِنْسَانٍ مِمَّا يَلِيهِ» قَالَ: فَأَكَلُوا حَتَّى شَبِعُوا. قَالَ: فَخَرَجَتْ طَائِفَةٌ وَدَخَلَتْ طَائِفَةٌ حَتَّى أَكَلُوا كُلُّهُمْ. فَقَالَ لِي: «يَا أَنَسُ! ارْفَعْ» قَالَ: فَرَفَعْتُ، فَمَا أَدْرِي حِينَ وَضَعْتُ كَانَ أَكْثَرَ أَمْ حِينَ رَفَعْتُ. قَالَ: وَجَلَسَ طَوَائِفُ مِنْهُمْ يَتَحَدَّثُونَ فِي بَيْتِ رَسُولِ اللهِ ﷺ، وَرَسُولُ اللهِ ﷺ جَالِسٌ،

Messenger of Allâh ﷺ was sitting there, and his wife had her face turned towards the wall. They were bothering the Messenger of Allâh ﷺ, so the Messenger of Allâh ﷺ went out and greeted his wives, then he came back. When they saw that the Messenger of Allâh ﷺ had come back, they realized that they were bothering him. So they all rushed to the door and left. The Messenger of Allâh ﷺ came and hung up a curtain and went in, and I was sitting in the apartment. It was not long before he came out to me, and this verse had been revealed. The Messenger of Allâh ﷺ went out and recited it to the people: "O you who believe! Enter not the Prophet's houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation. But when you are invited, enter, and when you have taken your meal, disperse without sitting for a talk. Verily, such (behaviour) annoys the Prophet"[1]

Al-Ja'd said: "Anas bin Mâlik said: 'I was the first among the people to hear these verses, and the wives of the Prophet ﷺ observed *Ḥijâb*.'"

**[3508] 95 - (...)** It was narrated that Anas said: "When the Prophet ﷺ married Zainab, Umm Sulaim gave him a gift of some *Ḥais* in a stone vessel."

وَزَوْجَتُهُ مُوَلِّيَةٌ وَجْهَهَا إِلَى الْحَائِطِ، فَثَقُلُوا عَلَىٰ رَسُولِ اللهِ ﷺ، فَخَرَجَ رَسُولُ اللهِ ﷺ [فَسَلَّمَ] عَلَىٰ نِسَائِهِ، ثُمَّ رَجَعَ، فَلَمَّا رَأَوْا رَسُولَ اللهِ ﷺ قَدْ رَجَعَ ظَنُّوا أَنَّهُمْ قَدْ ثَقُلُوا عَلَيْهِ. قَالَ: فَابْتَدَرُوا الْبَابَ فَخَرَجُوا كُلُّهُمْ، وَجَاءَ رَسُولُ اللهِ ﷺ حَتَّى أَرْخَى السِّتْرَ وَدَخَلَ، وَأَنَا جَالِسٌ فِي الْحُجْرَةِ، فَلَمْ يَلْبَثْ إِلَّا يَسِيرًا حَتَّى خَرَجَ عَلَيَّ، وَأُنْزِلَتْ هَٰذِهِ الْآيَةُ، فَخَرَجَ رَسُولُ اللهِ ﷺ وَقَرَأَهُنَّ عَلَى النَّاسِ: ﴿يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تَدْخُلُوا۟ بُيُوتَ ٱلنَّبِىِّ إِلَّآ أَن يُؤْذَنَ لَكُمْ إِلَىٰ طَعَامٍ غَيْرَ نَٰظِرِينَ إِنَىٰهُ وَلَٰكِنْ إِذَا دُعِيتُمْ فَٱدْخُلُوا۟ فَإِذَا طَعِمْتُمْ فَٱنتَشِرُوا۟ وَلَا مُسْتَـْٔنِسِينَ لِحَدِيثٍ ۚ إِنَّ ذَٰلِكُمْ كَانَ يُؤْذِى ٱلنَّبِىَّ﴾ إِلَىٰ آخِرِ الْآيَةِ.

قَالَ الْجَعْدُ: قَالَ أَنَسٌ [بْنُ مَالِكٍ]: أَنَا أَحْدَثُ النَّاسِ عَهْدًا بِهَٰذِهِ الْآيَاتِ، وَحُجِبْنَ نِسَاءُ النَّبِيِّ ﷺ.

**[٣٥٠٨] ٩٥-(...)** حَدَّثَنِي مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ أَبِي عُثْمَانَ، عَنْ أَنَسٍ قَالَ: لَمَّا تَزَوَّجَ

[1] *Al-Aḥzâb* 33:53.

Anas said: "The Prophet ﷺ said: 'Go and invite for me whoever you meet of the Muslims.' So I invited for him whomever I met. They started coming in, eating, and leaving, and the Prophet ﷺ kept his hand on that food and prayed for blessing for it, saying whatever Allâh willed he should say. I did not leave anyone whom I met but I invited him, and they ate their fill and left, but a few of them stayed behind and chatted at length. The Prophet ﷺ felt too shy to say anything to them, so he went out and left them in the house. Then Allâh [Most High] revealed the words: "O you who believe! Enter not the Prophet's houses, unless permission is given to you for a meal, (and then) not (so early as) to wait for its preparation." - Qatâdah said: "Not waiting for the time for food." - "But when you are invited, enter" until he reached "that is purer for your hearts and for their hearts."[1]

النَّبِيُّ ﷺ زَيْنَبَ أَهْدَتْ لَهُ أُمُّ سُلَيْمٍ حَيْسًا فِي تَوْرٍ مِنْ حِجَارَةٍ. فَقَالَ أَنَسٌ: فَقَالَ النَّبِيُّ ﷺ: «اذْهَبْ فَادْعُ لِي مَنْ لَقِيتَ مِنَ الْمُسْلِمِينَ» فَدَعَوْتُ لَهُ مَنْ لَقِيتُ، فَجَعَلُوا يَدْخُلُونَ عَلَيْهِ فَيَأْكُلُونَ وَيَخْرُجُونَ، وَوَضَعَ النَّبِيُّ ﷺ يَدَهُ عَلَى الطَّعَامِ فَدَعَا فِيهِ، وَقَالَ فِيهِ مَا شَاءَ اللهُ أَنْ يَقُولَ، وَلَمْ أَدَعْ أَحَدًا لَقِيتُهُ إِلَّا دَعَوْتُهُ، فَأَكَلُوا حَتَّى شَبِعُوا، وَخَرَجُوا، وَبَقِيَ طَائِفَةٌ مِنْهُمْ فَأَطَالُوا عَلَيْهِ الْحَدِيثَ، فَجَعَلَ النَّبِيُّ ﷺ يَسْتَحْيِي مِنْهُمْ أَنْ يَقُولَ لَهُمْ شَيْئًا، فَخَرَجَ وَتَرَكَهُمْ فِي الْبَيْتِ، فَأَنْزَلَ اللهُ تَعَالَى: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتَ النَّبِيِّ إِلَّا أَنْ يُؤْذَنَ لَكُمْ إِلَى طَعَامٍ غَيْرَ نَاظِرِينَ إِنَاهُ﴾ - قَالَ قَتَادَةُ: غَيْرَ مُتَحَيِّنِينَ طَعَامًا - ﴿وَلَكِنْ إِذَا دُعِيتُمْ فَادْخُلُوا﴾ حَتَّى بَلَغَ: ﴿لِقُلُوبِكُمْ وَقُلُوبِهِنَّ﴾.

## Chapter 16. The Command To Accept Invitations

## (المعجم ١٦) - (بَابُ الأمر بإجابة الداعي إلى دعوة) (التحفة ١٦)

**[3509] 96 -(1429)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'If one of you is invited to a feast, let him accept.'"

**[٣٥٠٩] ٩٦-(١٤٢٩)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ

[1] *Al-Ahzâb* 33:53.

اللهِ ﷺ: «إِذَا دُعِيَ أَحَدُكُمْ إِلَىٰ الْوَلِيمَةِ فَلْيَأْتِهَا».

**[3510] 97 - (...)** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "If one of you is invited to a feast, let him accept."

[٣٥١٠] ٩٧-(...) **حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ عَنْ عُبَيْدِ اللهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا دُعِيَ أَحَدُكُمْ إِلَىٰ الْوَلِيمَةِ فَلْيُجِبْ».

قَالَ خَالِدٌ: فَإِذَا عُبَيْدُ اللهِ يُنَزِّلُهُ عَلَىٰ الْعُرْسِ.

**[3511] 98 - (...)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "If one of you is invited to a wedding feast, let him accept."

[٣٥١١] ٩٨-(...) **حَدَّثَنَا** ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «إِذَا دُعِيَ أَحَدُكُمْ إِلَىٰ وَلِيمَةِ عُرْسٍ فَلْيُجِبْ».

**[3512] 99 - (...)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Accept the invitation when you are invited.'"

[٣٥١٢] ٩٩-(...) **حَدَّثَنِي** أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ: حَدَّثَنَا أَيُّوبُ؛ وَحَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ «ائْتُوا الدَّعْوَةَ إِذَا دُعِيتُمْ».

**[3513] 100 - (...)** It was narrated from Nâfi' that Ibn 'Umar used to say, narrating from the Prophet ﷺ: "If one of you invites his brother, let him accept, whether it is for a wedding or something similar."

[٣٥١٣] ١٠٠-(...) **وحَدَّثَنِي** مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَيُّوبَ، عَنْ نَافِعٍ أَنَّ ابْنَ عُمَرَ كَانَ يَقُولُ عَنِ النَّبِيِّ ﷺ «إِذَا دَعَا أَحَدُكُمْ أَخَاهُ فَلْيُجِبْ، عُرْسًا كَانَ أَوْ نَحْوَهُ».

**[3514] 101 - (...)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever is invited to a wedding and the like, let him accept.'"

[٣٥١٤] ١٠١-(...) وحَدَّثَني إِسْحٰقُ بْنُ مَنْصُورٍ: حَدَّثَنَا عِيسَى ابْنُ الْمُنْذِرِ: حَدَّثَنَا بَقِيَّةُ: حَدَّثَنَا الزُّبَيْدِيُّ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ «مَنْ دُعِيَ إِلَىٰ عُرْسٍ أَوْ نَحْوِهِ فَلْيُجِبْ».

**[3515] 102 - (...)** It was narrated that 'Abdullâh bin 'Umar said: "The Messenger of Allâh ﷺ said: 'Accept invitations if you are invited.'"

[٣٥١٥] ١٠٢-(...) حَدَّثَني حُمَيْدُ بْنُ مَسْعَدَةَ الْبَاهِلِيُّ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أُمَيَّةَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ [بْنِ عُمَرَ] قَالَ: قَالَ رَسُولُ اللهِ ﷺ «ائْتُوا الدَّعْوَةَ إِذَا دُعِيتُمْ».

**[3516] 103 - (...)** It was narrated that Nâfi' said: 'I heard 'Abdullâh bin 'Umar say: 'Accept this invitation if you are invited.'"

He said: "And 'Abdullâh used to accept invitations to weddings and other events, and he would come even if he was fasting."

[٣٥١٦] ١٠٣-(...) وحَدَّثَني هٰرُونُ بْنُ عَبْدِ اللهِ: حَدَّثَنَا حَجَّاجُ ابْنُ مُحَمَّدٍ عَنِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي مُوسَى بْنُ عُقْبَةَ عَنْ نَافِعٍ قَالَ: سَمِعْتُ عَبْدَ اللهِ بْنَ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ «أَجِيبُوا هٰذِهِ الدَّعْوَةَ إِذَا دُعِيتُمْ لَهَا»

قَالَ: وَكَانَ عَبْدُ اللهِ [بْنُ عُمَرَ] يَأْتِي الدَّعْوَةَ فِي الْعُرْسِ وَغَيْرِ الْعُرْسِ، وَيَأْتِيهَا وَهُوَ صَائِمٌ.

**[3517] 104 - (...)** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "If you are invited to (a meal of) a sheep's foot, accept it."

[٣٥١٧] ١٠٤-(...) وحَدَّثَني حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: حَدَّثَني عُمَرُ بْنُ مُحَمَّدٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ النَّبِيَّ ﷺ قَالَ «إِذَا دُعِيتُمْ إِلَىٰ كُرَاعٍ فَأَجِيبُوا».

[3518] 105 - (1430) It was narrated that Jâbir said: "The Messenger of Allâh ﷺ said: 'If one of you is invited to a feast, let him respond, then if he wishes he may eat and if he wishes he may refrain.''' And Ibn Al-Mu<u>th</u>anna (a narrator) did not mention the words "to a feast."

[٣٥١٨] ١٠٥-(١٤٣٠) وحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِذَا دُعِيَ أَحَدُكُمْ إِلَىٰ طَعَامٍ فَلْيُجِبْ فَإِنْ شَاءَ طَعِمَ، وَإِنْ شَاءَ تَرَكَ» وَلَمْ يَذْكُرِ ابْنُ الْمُثَنَّىٰ «إِلَىٰ طَعَامٍ».

[3519] (...) A similar report (as no. 3518) was narrated from Abû Az-Zubair with this chain.

[٣٥١٩] (...) وحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبُو عَاصِمٍ عَنِ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، بِهَٰذَا الْإِسْنَادِ. مِثْلَهُ.

[3520] 106 - (1431) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'If one of you is invited let him respond; if he is fasting let him pray (for the people), and if he is not fasting let him eat.'"

[٣٥٢٠] ١٠٦-(١٤٣١) وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِذَا دُعِيَ أَحَدُكُمْ فَلْيُجِبْ، فَإِنْ كَانَ صَائِمًا فَلْيُصَلِّ، وَإِنْ كَانَ مُفْطِرًا فَلْيَطْعَمْ».

[3521] 107 - (1432) It was narrated from Abû Hurairah that he used to say: "The worst of food is the food of a (wedding) feast to which the rich are invited and the poor are ignored. Whoever does not accept an invitation has disobeyed Allâh and His Messenger."

[٣٥٢١] ١٠٧-(١٤٣٢) حَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ كَانَ يَقُولُ: بِئْسَ الطَّعَامُ طَعَامُ الْوَلِيمَةِ يُدْعَىٰ إِلَيْهِ الْأَغْنِيَاءُ وَيُتْرَكُ الْمَسَاكِينُ، فَمَنْ لَمْ يَأْتِ الدَّعْوَةَ، فَقَدْ عَصَى اللهَ وَرَسُولَهُ.

**[3522] 108 - (...)** Sufyân said: "I said to Az-Zuhrî: 'O Abû Bakr, what does this *Hadîth* mean - "The worst of food is the food of the rich?" He laughed and said: It is not: 'The worst of food is the food of the rich."'

Sufyân said: "My father was rich, and this *Hadîth* troubled me when I heard it, so I asked Az-Zuhrî about it. He said: ''Abdur-Rahmân Al-A'raj told me that he heard Abû Hurairah say: "The worst of food is the food of a (wedding) feast...'' then he quoted a *Hadîth* like that of Mâlik (no. 3521)."'

**[٣٥٢٢] ١٠٨-(...) حَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ قَالَ: قُلْتُ لِلزُّهْرِيِّ: يَا أَبَا بَكْرٍ! كَيْفَ هَٰذَا الْحَدِيثُ: شَرُّ الطَّعَامِ طَعَامُ الْأَغْنِيَاءِ؟ فَضَحِكَ فَقَالَ: لَيْسَ هُوَ: شَرُّ الطَّعَامِ طَعَامُ الْأَغْنِيَاءِ.

قَالَ سُفْيَانُ: وَكَانَ أَبِي غَنِيًّا، فَأَفْزَعَنِي هَٰذَا الْحَدِيثُ حِينَ سَمِعْتُ بِهِ، فَسَأَلْتُ عَنْهُ الزُّهْرِيَّ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمٰنِ الْأَعْرَجُ؛ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: شَرُّ الطَّعَامِ طَعَامُ الْوَلِيمَةِ. ثُمَّ ذَكَرَ بِمِثْلِ حَدِيثِ مَالِكٍ.

**[3523] 109 - (...)** It was narrated that Abû Hurairah said: "The worst of food is the food of a (wedding) feast..." a *Hadîth* like that of Mâlik (no. 3521).

**[٣٥٢٣] ١٠٩-(...) حَدَّثَنِي** مُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ عَنْ عَبْدِ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، وَعَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: شَرُّ الطَّعَامِ طَعَامُ الْوَلِيمَةِ، نَحْوَ حَدِيثِ مَالِكٍ.

**[3524] (...)** A similar report (as no. 3521) was narrated from Abû Hurairah.

**[٣٥٢٤] وحَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ، نَحْوَ ذٰلِكَ.

**[3525] 110 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "The worst of food is the food of a feast from which those who come to it are

**[٣٥٢٥] ١١٠-(...) وحَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ قَالَ: سَمِعْتُ زِيَادَ بْنَ سَعْدٍ قَالَ: سَمِعْتُ ثَابِتًا الْأَعْرَجَ

turned away and those who refuse to come are invited to it. Whoever does not accept an invitation has disobeyed Allâh and His Messenger."

يُحَدِّثُ عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «شَرُّ الطَّعَامِ طَعَامُ الْوَلِيمَةِ، يُمْنَعُهَا مَنْ يَأْتِيهَا وَيُدْعَىٰ إِلَيْهَا مَنْ يَأْبَاهَا، وَمَنْ لَمْ يُجِبِ الدَّعْوَةَ، فَقَدْ عَصَى اللهَ عَزَّ وَجَلَّ وَرَسُولَهُ».

**Chapter 17. It Is Not Permissible For A Woman Who Has Been Thrice-Divorced To Return To The One Who Divorced Her Until She Marries Another Husband Who Has Intercourse With Her, Then Divorces Her, And She Completes The *'Iddah***

(المعجم ١٧) - **(باب لا تحل المطلقة ثلاثًا لمطلقها حتى تنكح زوجًا غيره ويطأها، ثم يفارقها، وتنقضي عدّتها)** (التحفة ١٧)

**[3526] 111 - (1433)** It was narrated that 'Âishah said: "The wife of Rifâ'ah came to the Prophet ﷺ and said: 'I was married to Rifâ'ah, then he divorced me and made the divorce irrevocable. Then I married 'Abdur-Raḥmân bin Az-Zubair, and what he has is like the edge of a garment.' The Messenger of Allâh ﷺ smiled and said: 'Do you want to go back to Rifâ'ah? No, not until you taste his ('Abdur-Raḥmân's) sweetness and he tastes your sweetness.'"

She said: "And Abû Bakr was with him, and Khâlid was at the door, waiting to be given permission to enter. He called out: 'O Abû Bakr, do you not

**[٣٥٢٦] ١١١-(١٤٣٣)** وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ - وَاللَّفْظُ لِعَمْرٍو - قَالَا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتِ امْرَأَةُ رِفَاعَةَ إِلَى النَّبِيِّ ﷺ فَقَالَتْ: كُنْتُ عِنْدَ رِفَاعَةَ، فَطَلَّقَنِي فَبَتَّ طَلَاقِي، فَتَزَوَّجْتُ عَبْدَ الرَّحْمٰنِ بْنَ الزَّبِيرِ، وَإِنَّمَا مَعَهُ مِثْلُ هُدْبَةِ الثَّوْبِ، فَتَبَسَّمَ رَسُولُ اللهِ ﷺ. فَقَالَ: «أَتُرِيدِينَ أَنْ تَرْجِعِي إِلَىٰ رِفَاعَةَ؟ لَا. حَتَّى تَذُوقِي عُسَيْلَتَهُ وَيَذُوقَ عُسَيْلَتَكِ».

قَالَتْ: وَأَبُو بَكْرٍ عِنْدَهُ، وَخَالِدٌ بِالْبَابِ يَنْتَظِرُ أَنْ يُؤْذَنَ لَهُ، فَنَادَىٰ: يَا أَبَا بَكْرٍ!

hear what this woman dares to say in the presence of the Messenger of Allâh ﷺ?'"

[3527] 112 - (...) 'Urwah bin Az-Zubair narrated that 'Âishah, the wife of the Prophet ﷺ, told him that Rifâ'ah Al-Qurazî divorced his wife and made the divorce irrevocable, then after that she married 'Abdur-Rahmân bin Az-Zubair. She came to the Prophet ﷺ and said: 'O Messenger of Allâh, I was married to Rifâ'ah, then he issued the last of three divorces to me. Then after that I married 'Abdur-Rahmân bin Az-Zubair, and by Allâh all he has is like the edge (of a garment)' - and she held up the edge of her *Jilbâb*. The Messenger of Allâh ﷺ smiled and said: 'Perhaps you want to go back to Rifâ'ah? No, not until he ('Abdur-Rahmân) tastes your sweetness and you taste his sweetness.' Abû Bakr As-Siddîq was sitting with the Messenger of Allâh ﷺ, and Khâlid bin Sa'eed bin Al-'Âs was sitting at the door of the apartment, and had not been given permission to enter. Khâlid called out to Abû Bakr: 'Will you not rebuke this woman for what she dares to say in the presence of the Messenger of Allâh ﷺ?'"

أَلَا تَسْمَعُ هَٰذِهِ مَا تَجْهَرُ بِهِ عِنْدَ رَسُولِ اللهِ ﷺ.

[٣٥٢٧] ١١٢-(...) حَدَّثَنِي أَبُو الطَّاهِرِ وحَرْمَلَةُ بْنُ يَحْيَىٰ - وَاللَّفْظُ لِحَرْمَلَةَ، قَالَ أَبُو الطَّاهِرِ: حَدَّثَنَا، وَقَالَ حَرْمَلَةُ: أَخْبَرَنَا - ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي عُرْوَةُ بْنُ الزُّبَيْرِ، أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ أَخْبَرَتْهُ أَنَّ رِفَاعَةَ الْقُرَظِيَّ طَلَّقَ امْرَأَتَهُ فَبَتَّ طَلَاقَهَا، فَتَزَوَّجَتْ بَعْدَهُ عَبْدَ الرَّحْمٰنِ بْنَ الزَّبِيرِ، فَجَاءَتِ النَّبِيَّ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّهَا كَانَتْ تَحْتَ رِفَاعَةَ، فَطَلَّقَهَا آخِرَ ثَلَاثِ تَطْلِيقَاتٍ، فَتَزَوَّجْتُ بَعْدَهُ عَبْدَ الرَّحْمٰنِ بْنَ الزَّبِيرِ، وَإِنَّهُ، وَاللهِ! مَا مَعَهُ إِلَّا مِثْلُ الْهُدْبَةِ، فَأَخَذَتْ بِهُدْبَةٍ مِنْ جِلْبَابِهَا. قَالَ: فَتَبَسَّمَ رَسُولُ اللهِ ﷺ ضَاحِكًا. فَقَالَ: «لَعَلَّكِ تُرِيدِينَ أَنْ تَرْجِعِي إِلَىٰ رِفَاعَةَ، لَا، حَتَّى يَذُوقَ عُسَيْلَتَكِ وَتَذُوقِي عُسَيْلَتَهُ». وَأَبُو بَكْرٍ الصِّدِّيقُ جَالِسٌ عِنْدَ رَسُولِ اللهِ ﷺ، وَخَالِدُ بْنُ سَعِيدِ بْنِ الْعَاصِ جَالِسٌ بِبَابِ الْحُجْرَةِ لَمْ يُؤْذَنْ لَهُ. قَالَ: فَطَفِقَ خَالِدٌ يُنَادِي أَبَا بَكْرٍ: أَلَا تَزْجُرُ هَٰذِهِ عَمَّا تَجْهَرُ بِهِ عِنْدَ رَسُولِ اللهِ ﷺ؟.

[3528] 113 - (...) It was narrated from 'Âishah that Rifâ'ah Al-Qurazî divorced his wife, then she married 'Abdur-Rahmân bin Az-Zubair. She came to the Prophet ﷺ and said: 'O Messenger of Allâh, Rifâ'ah issued the last of three divorces...'" a *Hadîth* like that of Yûnus (no. 3527).

[٣٥٢٨] ١١٣-(...) وَحَدَّثَنَا عَبْدُ ابْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ؛ أَنَّ رِفَاعَةَ الْقُرَظِيَّ طَلَّقَ امْرَأَتَهُ فَتَزَوَّجَهَا عَبْدُ الرَّحْمٰنِ بْنُ الزَّبِيرِ. فَجَاءَتِ النَّبِيَّ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ رِفَاعَةَ طَلَّقَهَا آخِرَ ثَلَاثِ تَطْلِيقَاتٍ، بِمِثْلِ حَدِيثِ يُونُسَ.

[3529] 114 - (...) It was narrated from 'Âishah that the Messenger of Allâh ﷺ was asked about a woman who got married to a man, then he divorced her, then another man married her, and divorced her before consummating the marriage - is it permissible for her to go back to her first husband? He said: 'No, not until he (the second husband) has tasted her sweetness.'"

[٣٥٢٩] ١١٤-(...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْعَلَاءِ الْهَمْدَانِيُّ: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ سُئِلَ عَنِ الْمَرْأَةِ يَتَزَوَّجُهَا الرَّجُلُ، فَيُطَلِّقُهَا، فَتَزَوَّجَ رَجُلًا، فَيُطَلِّقُهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، أَتَحِلُّ لِزَوْجِهَا الْأَوَّلِ؟ قَالَ: «لَا، حَتَّى يَذُوقَ عُسَيْلَتَهَا».

[3530] (...) It was narrated from Hishâm with this chain (a *Hadîth* similar to no. 3529).

[٣٥٣٠] (...) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ فُضَيْلٍ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ، جَمِيعًا عَنْ هِشَامٍ، بِهٰذَا الْإِسْنَادِ.

[3531] 115 - (...) It was narrated that 'Âishah said: "A man divorced his wife three times, then another man married her and divorced her before consummating the marriage with her. Her first husband wanted

[٣٥٣١] ١١٥-(...) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ عُبَيْدِ اللهِ بْنِ عُمَرَ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ قَالَتْ:

to remarry her, and the Prophet ﷺ was asked about that. He said: 'No, not until the second husband tastes of her sweetness what the first one tasted.'"

طَلَّقَ رَجُلٌ امْرَأَتَهُ ثَلَاثًا، فَتَزَوَّجَهَا رَجُلٌ ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يَدْخُلَ بِهَا، فَأَرَادَ زَوْجُهَا الْأَوَّلُ أَنْ يَتَزَوَّجَهَا، فَسُئِلَ رَسُولُ اللهِ ﷺ عَنْ ذٰلِكَ. فَقَالَ: «لَا، حَتَّى يَذُوقَ الْآخِرُ مِنْ عُسَيْلَتِهَا، مَا ذَاقَ الْأَوَّلُ».

**[3532] (...)** A similar report (as no. 3531) was narrated with this *Hadîth* from 'Ubaidullâh.

**[٣٥٣٢] (...) وحَدَّثَنَا** مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا يَحْيَى يَعْنِي ابْنَ سَعِيدٍ. جَمِيعًا عَنْ عُبَيْدِ اللهِ، بِهٰذَا الْإِسْنَادِ مِثْلَهُ. وَفِي حَدِيثِ يَحْيَىٰ، عَنْ عُبَيْدِ اللهِ: حَدَّثَنَا الْقَاسِمُ، عَنْ عَائِشَةَ.

## Chapter 18. What It Is Recommended To Say When Having Intercourse

## (المعجم ١٨) - (بَابُ ما يستحب أن يقوله عند الجماع) (التحفة ١٨)

**[3533] 116 - (1434)** It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'If one of you says, when he wants to have intercourse with his wife, "*Bismillâh, Allâhumma! Jannibnâsh-Shaitân; wa jannibish-Shaitâna mâ razaqtanâ.* (In the name of Allâh, O Allâh, keep the *Shaitân* away from us and keep the *Shaitân* away from that with which You provide us,' then if it is decreed that they should have a child from that, the *Shaitân* will never harm him."

**[٣٥٣٣] ١١٦-(١٤٣٤) حَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ وَإِسْحٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِيَحْيَىٰ - قَالَا: أَخْبَرَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ سَالِمٍ، عَنْ كُرَيْبٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَوْ أَنَّ أَحَدَهُمْ، إِذَا أَرَادَ أَنْ يَأْتِيَ أَهْلَهُ، قَالَ: بِاسْمِ اللهِ، اللَّهُمَّ! جَنِّبْنَا الشَّيْطَانَ؛ وَجَنِّبِ الشَّيْطَانَ مَا رَزَقْتَنَا، فَإِنَّهُ، إِنْ يُقَدَّرْ بَيْنَهُمَا وَلَدٌ فِي ذٰلِكَ، لَمْ يَضُرَّهُ شَيْطَانٌ أَبَدًا».

**[3534] (...)** A *Hadîth* similar to that of Jarîr (no. 3533) was narrated from Manṣûr, except that in the *Hadîth* of Shu'bah it does not mention the words "In the name of Allâh." In the report of 'Abdur-Razzâq from Ath-Thawrî it does say "In the name of Allâh." In the report of Ibn Numair, Manṣûr said: "I think he said: 'In the name of Allâh.'"

**[٣٥٣٤] (...) وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ قَالَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ. جَمِيعًا، عَنِ الثَّوْرِيِّ. كِلَاهُمَا، عَنْ مَنْصُورٍ بِمَعْنَىٰ حَدِيثِ جَرِيرٍ، غَيْرَ أَنَّ شُعْبَةَ لَيْسَ فِي حَدِيثِهِ ذِكْرُ «بِاسْمِ اللهِ». وَفِي رِوَايَةِ عَبْدِ الرَّزَّاقِ عَنِ الثَّوْرِيِّ «بِاسْمِ اللهِ». وَفِي رِوَايَةِ ابْنِ نُمَيْرٍ: قَالَ مَنْصُورٌ: أُرَاهُ قَالَ «بِاسْمِ اللهِ».

## Chapter 19. It Is Permissible For A Man To Have Intercourse With His Wife From The Front Or From The Back, Without Entering The Behind

## (المعجم ١٩) - (بَابُ جواز جماعه امرأته في قبلها، من قدامها ومن ورائها، من غير تعرض للدبر)

(التحفة ١٩)

**[3535] 117 - (1435)** Jâbir said: "The Jews used to say that if a man had intercourse with a woman from the back, in the vagina, the child would have a squint. Then the following was revealed: 'Your wives are a tilth for you, so go to your tilth, when or how you will...'"[1]

**[٣٥٣٥] ١١٧-(١٤٣٥) وَحَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ، وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَعَمْرٌو النَّاقِدُ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالُوا: حَدَّثَنَا سُفْيَانُ عَنِ ابْنِ الْمُنْكَدِرِ سَمِعَ جَابِرًا يَقُولُ: كَانَتِ الْيَهُودُ تَقُولُ: إِذَا أَتَى الرَّجُلُ امْرَأَتَهُ، مِنْ دُبُرِهَا، فِي قُبُلِهَا، كَانَ الْوَلَدُ أَحْوَلَ. فَنَزَلَتْ: ﴿نِسَآؤُكُمْ حَرْثٌ لَّكُمْ فَأْتُوا حَرْثَكُمْ أَنَّىٰ شِئْتُمْ﴾ [البقرة: ٢٢٣].

[1] *Al-Baqarah* 2:223.

**[3536] 118 - (...)** It was narrated from Jâbir bin 'Abdullâh that the Jews used to say: "If a man has intercourse with a woman in her vagina from the back, then she gets pregnant, her child will have a squint." Then the following was revealed: "Your wives are a tilth for you, so go to your tilth, when or how you will...".[1]

**[٣٥٣٦] ١١٨-(...)** وحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنِ ابْنِ الْهَادِ، عَنْ أَبِي حَازِمٍ، عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ أَنَّ يَهُودَ كَانَتْ تَقُولُ: إِذَا أُتِيَتِ الْمَرْأَةُ مِنْ دُبُرِهَا، فِي قُبُلِهَا، ثُمَّ حَمَلَتْ كَانَ وَلَدُهَا أَحْوَلَ. قَالَ: فَأُنْزِلَتْ: ﴿نِسَآؤُكُمْ حَرْثٌ لَّكُمْ فَأْتُوا۟ حَرْثَكُمْ أَنَّىٰ شِئْتُمْ﴾.

**[3537] 119 - (...)** This *Hadîth* was narrated from Jâbir (a *Hadîth* similar to no. 3536). The *Hadîth* of An-Nu'mân from Az-Zuhrî adds: "...if he wishes, while she is lying on her front, and if he wishes while she is not lying on her front, so long as that is in only one opening."

**[٣٥٣٧] ١١٩-(...)** وحَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا أَبُو عَوَانَةَ؛ وَحَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنِي أَبِي عَنْ جَدِّي، عَنْ أَيُّوبَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنِي وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا شُعْبَةُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ قَالَ: حَدَّثَنَا سُفْيَانُ؛ وَحَدَّثَنِي عُبَيْدُ اللهِ بْنُ سَعِيدٍ وَهَارُونُ بْنُ عَبْدِ اللهِ وَأَبُو مَعْنٍ الرَّقَاشِيُّ. قَالُوا: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا أَبِي قَالَ: سَمِعْتُ النُّعْمَانَ بْنَ رَاشِدٍ يُحَدِّثُ عَنِ الزُّهْرِيِّ؛ وَحَدَّثَنِي سُلَيْمَانُ بْنُ مَعْبَدٍ: حَدَّثَنَا مُعَلَّى بْنُ أَسَدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ وَهُوَ ابْنُ الْمُخْتَارِ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ،

[1] *Al-Baqarah* 2:223.

كُلُّ هَؤُلَاءِ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ، عَنْ جَابِرٍ، بِهَٰذَا الْحَدِيثِ. وَزَادَ فِي حَدِيثِ النُّعْمَانِ عَنِ الزُّهْرِيِّ: إِنْ شَاءَ مُجَبِّيَةً، وَإِنْ شَاءَ غَيْرَ مُجَبِّيَةٍ، غَيْرَ أَنَّ ذَٰلِكَ فِي صِمَامٍ وَاحِدٍ.

## Chapter 20. It Is Unlawful For The Wife To Refuse To Come To Her Husband's Bed

(المعجم ٢٠) - (**بَابُ تحريم امتناعها من فراش زوجها**) (التحفة ٢٠)

**[3538] 120 - (1436)** It was narrated from Abû Zuhrah that the Prophet ﷺ said: "If a woman spends the night forsaking her husband's bed, the Angels will curse her until morning."

**[٣٥٣٨] ١٢٠-(١٤٣٦) وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّىٰ - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ قَتَادَةَ يُحَدِّثُ، عَنْ زُرَارَةَ بْنِ أَوْفَى، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا بَاتَتِ الْمَرْأَةُ هَاجِرَةً فِرَاشَ زَوْجِهَا، لَعَنَتْهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ».

**[3539] (...)** Shu'bah narrated it with this chain (a *Hadîth* similar to no. 3538) and said: "...until she goes back."

**[٣٥٣٩] (...) وَحَدَّثَنِيهِ** يَحْيَى بْنُ حَبِيبٍ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ: حَدَّثَنَا شُعْبَةُ، بِهَٰذَا الْإِسْنَادِ. وَقَالَ «حَتَّى تَرْجِعَ».

**[3540] 121 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'By the One in Whose Hand is my soul, there is no man who calls his wife to his bed and she refuses, but the One Who is in

**[٣٥٤٠] ١٢١-(...) حَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا مَرْوَانُ عَنْ يَزِيدَ يَعْنِي ابْنَ كَيْسَانَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «وَالَّذِي

heaven will be angry with her, until he is pleased with her."

نَفْسِي بِيَدِهِ! مَا مِنْ رَجُلٍ يَدْعُو امْرَأَتَهُ إِلَىٰ فِرَاشِهَا، فَتَأْبَىٰ عَلَيْهِ، إِلَّا كَانَ الَّذِي فِي السَّمَاءِ سَاخِطًا عَلَيْهَا، حَتَّىٰ يَرْضَىٰ عَنْهَا».

**[3541] 122 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'If a man calls his wife to his bed and she does not come to him, and he spends the night angry with her, the Angels will curse her until morning.'"

**[٣٥٤١] ١٢٢-(...) وحَدَّثنا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ؛ وَحَدَّثَنِي أَبُو سَعِيدٍ الْأَشَجُّ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا جَرِيرٌ، كُلُّهُمْ عَنِ الْأَعْمَشِ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَىٰ فِرَاشِهِ، فَلَمْ تَأْتِهِ، فَبَاتَ غَضْبَانَ عَلَيْهَا، لَعَنَتْهَا الْمَلَائِكَةُ حَتَّىٰ تُصْبِحَ».

## Chapter 21. The Prohibition Of Disclosing A Woman's Secrets

## (المعجم ٢١) - (بَابُ تحريم إفشاء سر المرأة) (التحفة ٢١)

**[3542] 123 - (1437)** Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ said: 'One of the most evil people before Allâh on the Day of Resurrection will be a man who is intimate with his wife and she is intimate with him, then he publicizes her secrets.'"

**[٣٥٤٢] ١٢٣-(١٤٣٧) حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ عَنْ عُمَرَ بْنِ حَمْزَةَ الْعُمَرِيِّ حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ سَعْدٍ قَالَ: سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ مِنْ أَشَرِّ النَّاسِ عِنْدَ اللهِ مَنْزِلَةً يَوْمَ الْقِيَامَةِ، الرَّجُلَ

يُفْضِي إِلَىٰ امْرَأَتِهِ، وَتُفْضِي إِلَيْهِ، ثُمَّ يَنْشُرُ سِرَّهَا».

[3543] 124 - (...) Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ said: 'The most serious breach of trust before Allâh on the Day of Resurrection will be a man who is intimate with his wife and she is intimate with him, then he publicizes her secrets.'"

[٣٥٤٣] ١٢٤-(...) وحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ عُمَرَ بْنِ حَمْزَةَ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ سَعْدٍ قَالَ: سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ مِنْ أَعْظَمِ الْأَمَانَةِ عِنْدَ اللهِ يَوْمَ الْقِيَامَةِ، الرَّجُلَ يُفْضِي إِلَىٰ امْرَأَتِهِ وَتُفْضِي إِلَيْهِ، ثُمَّ يَنْشُرُ سِرَّهَا» وَقَالَ ابْنُ نُمَيْرٍ: «إِنَّ أَعْظَمَ».

## Chapter 22. The Ruling On Coitus Interruptus (*'Azl*)

## (المعجم ٢٢) - (بَابُ حكم العزل)
(التحفة ٢٢)

[3544] 125 - (1438) It was narrated from Ibn Muhairîz that he said: "Abû Șirmah and I entered upon Abû Sa'eed Al-Khudrî, and Abû Șirmah asked him: 'Did you hear the Messenger of Allâh ﷺ speak about *'Azl*?' He said: 'Yes. We went on a campaign with the Messenger of Allâh ﷺ to Banû Al-Muștaliq, and we captured some noble Arab women. We had been away from our wives for too long, but we also wanted the ransom, so we wanted to have intercourse with them then withdraw (coitus interruptus). Then we said: "How could we do

[٣٥٤٤] ١٢٥-(١٤٣٨) وحَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَعَلِيُّ بْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ: أَخْبَرَنِي رَبِيعَةُ عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ ابْنِ مُحَيْرِيزٍ أَنَّهُ قَالَ: دَخَلْتُ أَنَا وَأَبُو صِرْمَةَ عَلَىٰ أَبِي سَعِيدٍ الْخُدْرِيِّ، فَسَأَلَهُ أَبُو صِرْمَةَ فَقَالَ: يَا أَبَا سَعِيدٍ! هَلْ سَمِعْتَ رَسُولَ اللهِ ﷺ يَذْكُرُ الْعَزْلَ؟ فَقَالَ: نَعَمْ، غَزَوْنَا مَعَ رَسُولِ اللهِ ﷺ غَزْوَةَ بَلْمُصْطَلِقِ، فَسَبَيْنَا كَرَائِمَ الْعَرَبِ، فَطَالَتْ عَلَيْنَا الْعُزْبَةُ

this when the Messenger of Allâh ﷺ is among us, and we have not asked him?" So we asked the Messenger of Allâh ﷺ and he said: It does not matter if you do not do it, for Allâh has not decreed that any soul will exist, until the Day of Resurrection, but it will come into being.'"

وَرَغِبْنَا فِي الْفِدَاءِ، فَأَرَدْنَا أَنْ نَسْتَمْتِعَ وَنَعْزِلَ. فَقُلْنَا: نَفْعَلُ وَرَسُولُ اللهِ ﷺ بَيْنَ أَظْهُرِنَا لَا نَسْأَلُهُ فَسَأَلْنَا رَسُولَ اللهِ ﷺ فَقَالَ: «لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا، مَا كَتَبَ اللهُ خَلْقَ نَسَمَةٍ هِيَ كَائِنَةٌ إِلَىٰ يَوْمِ الْقِيَامَةِ، إِلَّا سَتَكُونُ».

**[3545] 126 - (...)** A *Hadîth* similar to that of Rabî'ah (no. 3554) was narrated from Muhammad bin Yahyâ bin Habbân with this chain, except that he said: "For Allâh has decreed whom He is going to create until the Day of Resurrection."

**[٣٥٤٥] ١٢٦-(...)** حَدَّثَنِي مُحَمَّدُ بْنُ الْفَرَجِ مَوْلَىٰ بَنِي هَاشِمٍ: حَدَّثَنَا مُحَمَّدُ بْنُ الزِّبْرِقَانِ: حَدَّثَنَا مُوسَى بْنُ عُقْبَةَ عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، بِهٰذَا الْإِسْنَادِ، فِي مَعْنَىٰ حَدِيثِ رَبِيعَةَ، غَيْرَ أَنَّهُ قَالَ: «فَإِنَّ اللهَ كَتَبَ مَنْ هُوَ خَالِقٌ إِلَىٰ يَوْمِ الْقِيَامَةِ».

**[3546] 127 - (...)** It was narrated that Abû Sa'eed Al-Khudrî said: "We captured some female prisoners and we engaged in coitus interruptus, then we asked the Messenger of Allâh ﷺ about that, and he said to us: 'Do you do that? Do you do that? Do you do that? There is no soul that is to exist, until the Day of Resurrection, but it will come into being.'"

**[٣٥٤٦] ١٢٧-(...)** وَحَدَّثَنِي عَبْدُ اللهِ بْنُ مُحَمَّدِ بْنِ أَسْمَاءَ الضُّبَعِيُّ: حَدَّثَنَا جُوَيْرِيَةُ عَنْ مَالِكٍ، عَنِ الزُّهْرِيِّ، عَنِ ابْنِ مُحَيْرِيزٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّهُ أَخْبَرَهُ قَالَ: أَصَبْنَا سَبَايَا فَكُنَّا نَعْزِلُ، ثُمَّ سَأَلْنَا رَسُولَ اللهِ ﷺ عَنْ ذٰلِكَ؟ فَقَالَ لَنَا: «وَإِنَّكُمْ لَتَفْعَلُونَ؟ وَإِنَّكُمْ لَتَفْعَلُونَ؟ وَإِنَّكُمْ لَتَفْعَلُونَ؟ مَا مِنْ نَسَمَةٍ كَائِنَةٍ إِلَىٰ يَوْمِ الْقِيَامَةِ إِلَّا هِيَ كَائِنَةٌ».

**[3547] 128 - (...)** It was narrated from Anas bin Sîrîn, from Ma'bad bin Sîrîn, from Abû Sa'eed Al-Khudrî. He (one of the narrators) said: "I said to him: 'Did you hear

**[٣٥٤٧] ١٢٨-(...)** وَحَدَّثَنَا نَصْرُ ابْنُ عَلِيٍّ الْجَهْضَمِيُّ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا شُعْبَةُ عَنْ أَنَسِ بْنِ سِيرِينَ،

it from Abû Sa'eed?' He said: 'Yes, from the Prophet ﷺ who said: It does not matter if you do not do it, for it is only the Divine Decree (that decides).'"

عَنْ مَعْبَدِ بْنِ سِيرِينَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قُلْتُ لَهُ: سَمِعْتَهُ مِنْ أَبِي سَعِيدٍ؟ قَالَ: نَعَمْ، عَنِ النَّبِيِّ ﷺ قَالَ: «لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا، فَإِنَّمَا هُوَ الْقَدَرُ».

**[3548] 129 - (...)** A similar report (as no. 3546) was narrated from Anas bin Sîrîn with this chain, except that in their *Hadîth* it says: "From the Prophet ﷺ who said concerning *'Azl*: 'It does not matter if you do not do it, for it is only the Divine Decree (that decides).'"

According to the report of Bahz, Shu'bah said: "I said to him: 'Did you hear it from Abû Sa'eed?' He said: 'Yes.'"

**[٣٥٤٨] ١٢٩-(...) حَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا يَحْيَى ابْنُ حَبِيبٍ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ [بْنُ مَهْدِيٍّ] وَبَهْزٌ، قَالُوا جَمِيعًا: حَدَّثَنَا شُعْبَةُ عَنْ أَنَسِ بْنِ سِيرِينَ، بِهَٰذَا الْإِسْنَادِ مِثْلَهُ، غَيْرَ أَنَّ فِي حَدِيثِهِمْ: عَنِ النَّبِيِّ ﷺ، قَالَ فِي الْعَزْلِ؟ «لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا ذَٰلِكُمْ، فَإِنَّمَا هُوَ الْقَدَرُ».

وَفِي رِوَايَةِ بَهْزٍ قَالَ شُعْبَةُ: قُلْتُ لَهُ: سَمِعْتَهُ مِنْ أَبِي سَعِيدٍ؟ قَالَ: نَعَمْ.

**[3549] 130 - (...)** It was narrated from 'Abdur-Rahmân bin Bishr bin Mas'ûd who attributed it to Abû Sa'eed Al-Khudrî, who said: "The Prophet ﷺ was asked about *'Azl* and he said: 'It does not matter if you do not do it, for it is only the Divine Decree (that decides).'"

(One of the narrators) Muhammad said: "The words: 'It does not matter' are more likely to mean that it is not allowed."

**[٣٥٤٩] ١٣٠-(...) حَدَّثَنِي** أَبُو الرَّبِيعِ الزَّهْرَانِيُّ وَأَبُو كَامِلٍ الْجَحْدَرِيُّ - وَاللَّفْظُ لِأَبِي كَامِلٍ - قَالَا: حَدَّثَنَا حَمَّادٌ وَهُوَ ابْنُ زَيْدٍ: حَدَّثَنَا أَيُّوبُ عَنْ مُحَمَّدٍ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ بِشْرِ بْنِ مَسْعُودٍ رَدَّهُ إِلَىٰ أَبِي سَعِيدٍ الْخُدْرِيِّ، قَالَ: سُئِلَ النَّبِيُّ ﷺ عَنِ الْعَزْلِ؟ فَقَالَ: «لَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا ذَاكُمْ، فَإِنَّمَا هُوَ الْقَدَرُ».

قَالَ مُحَمَّدٌ: وَقَوْلُهُ «لَا عَلَيْكُمْ» أَقْرَبُ إِلَىٰ النَّهْيِ.

[3550] 131 - (...) Abû Sa'eed Al-Khudrî said: "Mention of *'Azl* was made in the presence of the Prophet ﷺ and he said: 'Why do you do that?' They said: 'A man may have a wife who is breast-feeding and he has intercourse with her, but he does not want her to become pregnant. And a man may have a slave woman and he has intercourse with her, but he does not want her to become pregnant.' He said: 'It does not matter if you do not do it, for it is only the Divine Decree (that decides).'"

Ibn 'Awn said: "I narrated this to Al-Hasan, and he said: 'By Allâh, it is as if it is a rebuke.'"

[٣٥٥٠] ١٣١-(...) وحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ: حَدَّثَنَا ابْنُ عَوْنٍ عَنْ مُحَمَّدٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ بِشْرٍ الْأَنْصَارِيِّ قَالَ: فَرَدَّ الْحَدِيثَ حَتَّى رَدَّهُ إِلَىٰ أَبِي سَعِيدٍ الْخُدْرِيِّ. قَالَ: ذُكِرَ الْعَزْلُ عِنْدَ النَّبِيِّ ﷺ فَقَالَ: «وَمَا ذَاكُمْ؟» قَالُوا: الرَّجُلُ تَكُونُ لَهُ الْمَرْأَةُ تُرْضِعُ فَيُصِيبُ مِنْهَا، وَيَكْرَهُ أَنْ تَحْمِلَ مِنْهُ، وَالرَّجُلُ تَكُونُ لَهُ الْأَمَةُ فَيُصِيبُ مِنْهَا، وَيَكْرَهُ أَنْ تَحْمِلَ مِنْهُ. قَالَ: «فَلَا عَلَيْكُمْ أَنْ لَا تَفْعَلُوا ذَاكُمْ، فَإِنَّمَا هُوَ الْقَدَرُ».

قَالَ ابْنُ عَوْنٍ: فَحَدَّثْتُ بِهِ الْحَسَنَ فَقَالَ: وَاللهِ! لَكَأَنَّ هَٰذَا زَجْرٌ.

[3551] (...) The *Hadîth* of 'Abdur-Rahmân bin Bishr (no. 3550) was narrated from Ibrâhîm, meaning, the *Hadîth* about *'Azl*. He said: "It was to me that 'Abdur-Rahmân bin Bishr narrated it."

[٣٥٥١] (...) وحَدَّثَنِي حَجَّاجُ بْنُ الشَّاعِرِ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنِ ابْنِ عَوْنٍ قَالَ: حَدَّثْتُ مُحَمَّدًا عَنْ إِبْرَاهِيمَ بِحَدِيثِ عَبْدِ الرَّحْمٰنِ بْنِ بِشْرٍ. يَعْنِي حَدِيثَ الْعَزْلِ، فَقَالَ: إِيَّايَ حَدَّثَهُ عَبْدُ الرَّحْمٰنِ بْنُ بِشْرٍ.

[3552] (...) It was narrated that Mab'ad bin Sîrîn said: "We said to Abû Sa'eed: 'Did you hear the Messenger of Allâh ﷺ mention anything about *'Azl*?' He said:

[٣٥٥٢] (...) حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ: حَدَّثَنَا هِشَامٌ عَنْ مُحَمَّدٍ، عَنْ مَعْبَدِ بْنِ سِيرِينَ قَالَ:

'Yes...'" and he quoted a *Ḥadîth* like that of Ibn 'Awn (no. 3550), as far as the words: "Divine Decree."

قُلْنَا لِأَبِي سَعِيدٍ: هَلْ سَمِعْتَ رَسُولَ اللهِ ﷺ يَذْكُرُ فِي الْعَزْلِ شَيْئًا؟ قَالَ: نَعَمْ. وَسَاقَ الْحَدِيثَ بِمَعْنَىٰ حَدِيثِ ابْنِ عَوْنٍ، إِلَىٰ قَوْلِهِ «الْقَدَرُ».

**[3553] 132 - (...)** It was narrated that Abû Sa'eed Al-Khudrî said: "Mention of *'Azl* was made to the Messenger of Allâh ﷺ and he said: 'Why would one of you do that?' - but he did not say, one of you should not do that - 'There is no soul that is meant to be created but Allâh will definitely create it.'"

**[٣٥٥٣] ١٣٢-(...) حَدَّثَنَا** عُبَيْدُ اللهِ بْنُ عُمَرَ الْقَوَارِيرِيُّ وَأَحْمَدُ ابْنُ عَبْدَةَ - قَالَ ابْنُ عَبْدَةَ: أَخْبَرَنَا، وَقَالَ عُبَيْدُ اللهِ: حَدَّثَنَا - سُفْيَانُ ابْنُ عُيَيْنَةَ عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ مُجَاهِدٍ، عَنْ قَزَعَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: ذُكِرَ الْعَزْلُ لِرَسُولِ اللهِ ﷺ. فَقَالَ: «وَلِمَ يَفْعَلُ ذٰلِكَ أَحَدُكُمْ؟ - وَلَمْ يَقُلْ: فَلا يَفْعَلْ ذٰلِكَ أَحَدُكُمْ - فَإِنَّهُ لَيْسَتْ نَفْسٌ مَخْلُوقَةٌ إِلَّا اللهُ خَالِقُهَا».

**[3554] 133 - (...)** It was narrated that Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ was asked about *'Azl* and he said: 'The child does not come from all the water; if Allâh wants to create something nothing can prevent it.'"

**[٣٥٥٤] ١٣٣-(...) حَدَّثَنِي** هٰرُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ: حَدَّثَنَا عَبْدُ اللهِ ابْنُ وَهْبٍ: أَخْبَرَنِي مُعَاوِيَةُ يَعْنِي ابْنَ صَالِحٍ، عَنْ عَلِيِّ بْنِ أَبِي طَلْحَةَ، عَنْ أَبِي الْوَدَّاكِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ سَمِعَهُ يَقُولُ: سُئِلَ رَسُولُ اللهِ ﷺ عَنِ الْعَزْلِ؟ فَقَالَ «مَا مِنْ كُلِّ الْمَاءِ يَكُونُ الْوَلَدُ، وَإِذَا أَرَادَ اللهُ خَلْقَ شَيْءٍ لَمْ يَمْنَعْهُ شَيْءٌ».

**[3555] (...)** A similar report (as no. 3554) was narrated from Abû Sa'eed Al-Khudrî, from the Prophet ﷺ.

**[٣٥٥٥] (...) وَحَدَّثَنِيهِ** أَحْمَدُ بْنُ الْمُنْذِرِ الْبَصْرِيُّ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ: حَدَّثَنَا مُعَاوِيَةُ: أَخْبَرَنِي عَلِيُّ بْنُ أَبِي

طَلْحَةَ الْهَاشِمِيُّ، عَنْ أَبِي الْوَدَّاكِ، عَنْ أَبِي سَعِيدٍ [الْخُدْرِيِّ] عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

**[3556] 134 - (1439)** It was narrated from Jâbir that a man came to the Messenger of Allâh ﷺ and said: "I have a slave woman who is our servant and brings water for us. I have intercourse with her, but I do not want her to become pregnant." He said: "Withdraw from her (*'Azl*) if you wish, but what has been decreed for her will come to her." Some time passed, then the man came to him and said that the slave woman had become pregnant. He said: "I told you that what had been decreed for her would come to her."

**[٣٥٥٦] ١٣٤-(١٤٣٩)** حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ اللهِ بْنِ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: أَخْبَرَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرٍ أَنَّ رَجُلًا أَتَى رَسُولَ اللهِ ﷺ فَقَالَ: إِنَّ لِي جَارِيَةً هِيَ خَادِمُنَا وَسَانِيَتُنَا، وَأَنَا أَطُوفُ عَلَيْهَا وَأَنَا أَكْرَهُ أَنْ تَحْمِلَ. فَقَالَ: «اعْزِلْ عَنْهَا إِنْ شِئْتَ، فَإِنَّهُ سَيَأْتِيهَا مَا قُدِّرَ لَهَا» فَلَبِثَ الرَّجُلُ، ثُمَّ أَتَاهُ فَقَالَ: إِنَّ الْجَارِيَةَ قَدْ حَبِلَتْ. فَقَالَ «قَدْ أَخْبَرْتُكَ أَنَّهُ سَيَأْتِيهَا مَا قُدِّرَ لَهَا».

**[3557] 135 - (...)** It was narrated that Jâbir bin 'Abdullâh said: "A man asked the Prophet ﷺ: 'I have a slave woman and I withdraw from her (*'Azl*).' The Messenger of Allâh ﷺ said: 'That does not prevent anything that Allâh wills.' The man came (a second time) and said: 'O Messenger of Allâh, the slave woman whom I mentioned to you has become pregnant.' The Messenger of Allâh ﷺ said: 'I am the slave of Allâh and His Messenger.'"

**[٣٥٥٧] ١٣٥-(...)** حَدَّثَنَا سَعِيدُ ابْنُ عَمْرٍو الْأَشْعَثِيُّ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ سَعِيدِ بْنِ حَسَّانَ، عَنْ عُرْوَةَ بْنِ عِيَاضٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: سَأَلَ رَجُلٌ النَّبِيَّ ﷺ فَقَالَ: إِنَّ عِنْدِي جَارِيَةً لِي، وَأَنَا أَعْزِلُ عَنْهَا. فَقَالَ رَسُولُ اللهِ ﷺ: «إِنَّ ذٰلِكَ لَمْ يَمْنَعْ شَيْئًا أَرَادَهُ اللهُ» قَالَ: فَجَاءَ الرَّجُلُ فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ الْجَارِيَةَ الَّتِي كُنْتُ ذَكَرْتُهَا لَكَ حَمَلَتْ. فَقَالَ رَسُولُ اللهِ ﷺ «أَنَا عَبْدُ اللهِ وَرَسُولُهُ».

**[3558] (...)** It was narrated that Jâbir bin 'Abdullâh said: "A man came to the Prophet ﷺ..." a <u>*Hadîth*</u> like that of Sufyân (no. 3557).

[٣٥٥٨] (. . .) **وحَدَّثَنِي** حَجَّاجُ بْنُ الشَّاعِرِ: حَدَّثَنَا أَبُو أَحْمَدَ الزُّبَيْرِيُّ: حَدَّثَنَا سَعِيدُ بْنُ حَسَّانَ، قَاصُّ أَهْلِ مَكَّةَ، قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ عِيَاضِ بْنِ عَدِيِّ ابْنِ الْخِيَارِ النَّوْفَلِيُّ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ، بِمَعْنَىٰ حَدِيثِ سُفْيَانَ.

**[3559] 136 - (1440)** It was narrated that Jâbir said: "We used to engage in *'Azl* (and) the Qur'ân was being revealed." Ishâq added: "Sufyân said: 'If anything were to have forbidden it, we would have been forbidden it by the Qur'ân.'"

[٣٥٥٩] **١٣٦-(١٤٤٠) حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - قَالَ إِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ أَبُو بَكْرٍ: حَدَّثَنَا - سُفْيَانُ عَنْ عَمْرٍو، عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: كُنَّا نَعْزِلُ وَالْقُرْآنُ يَنْزِلُ. زَادَ إِسْحَٰقُ: قَالَ سُفْيَانُ: لَوْ كَانَ شَيْئًا يُنْهَىٰ عَنْهُ، لَنَهَانَا عَنْهُ الْقُرْآنُ.

**[3560] 137 - (...)** Jâbir said: "We used to engage in *'Azl* at the time of the Messenger of Allâh ﷺ."

[٣٥٦٠] **١٣٧-(. . .) وحَدَّثَنِي** سَلَمَةُ بْنُ شَبِيبٍ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ: حَدَّثَنَا مَعْقِلٌ، عَنْ عَطَاءٍ قَالَ: سَمِعْتُ جَابِرًا يَقُولُ: لَقَدْ كُنَّا نَعْزِلُ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ.

**[3561] 138 - (...)** It was narrated that Jâbir said: "We used to engage in *'Azl* at the time of the Messenger of Allâh ﷺ. News of that reached the Messenger of Allâh ﷺ and he did not forbid us to do it."

[٣٥٦١] **١٣٨-(. . .) وحَدَّثَنِي** أَبُو غَسَّانَ الْمِسْمَعِيُّ: حَدَّثَنَا مُعَاذٌ يَعْنِي ابْنَ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: كُنَّا نَعْزِلُ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ فَبَلَغَ ذَٰلِكَ نَبِيَّ اللهِ ﷺ. فَلَمْ يَنْهَنَا عَنْهُ.

## Chapter 23. The Prohibition Of Intercourse With A Pregnant Captive Woman

**[3562] 139 - (1441)** It was narrated from Abû Ad-Dardâ' that the Prophet ﷺ passed by a heavily pregnant (captive) woman, at the door of a tent and he said: "Perhaps he (the owner) wants to have intercourse with her?" They said: "Yes." The Messenger of Allâh ﷺ said: "I was thinking of cursing him with a curse that would go to his grave with him. How can he make him his heir when that is not permissible for him? How can he make him his slave when that is not permissible for him?"

**[3563] (...)** It was narrated from Shu'bah with this chain (a *Hadîth* similar to no. 3562).

## Chapter 24. It Is Permissible To Have Intercourse With A Breastfeeding Woman (*Ghîlah*), And *'Azl* Is Disliked

**[3564] 140 - (1442)** It was narrated from Judâmah bint Wahb Al-Asadiyyah that she heard the Messenger of Allâh ﷺ say: "I was thinking of forbidding

## (المعجم ٢٣) - (بَابُ تحريم وطئ الحامل المسبية) (التحفة ٢٣)

**[٣٥٦٢] ١٣٩-(١٤٤١) حَدَّثَني** مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَمُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ يَزِيدَ بْنِ خُمَيْرٍ. قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَٰنِ بْنَ جُبَيْرٍ يُحَدِّثُ عَنْ أَبِيهِ، عَنْ أَبِي الدَّرْدَاءِ عَنِ النَّبِيِّ ﷺ أَنَّهُ أَتَىٰ بِامْرَأَةٍ مُجِحٍّ عَلَىٰ بَابِ فُسْطَاطٍ، فَقَالَ: «لَعَلَّهُ يُرِيدُ أَنْ يُلِمَّ بِهَا؟» فَقَالُوا: نَعَمْ. فَقَالَ رَسُولُ اللهِ ﷺ: «لَقَدْ هَمَمْتُ أَنْ أَلْعَنَهُ لَعْنًا يَدْخُلُ مَعَهُ قَبْرَهُ، كَيْفَ يُوَرِّثُهُ وَهُوَ لَا يَحِلُّ لَهُ؟ كَيْفَ يَسْتَخْدِمُهُ وَهُوَ لَا يَحِلُّ لَهُ؟».

**[٣٥٦٣] (...) وحَدَّثَناه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَزِيدُ بْنُ هٰرُونَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو دَاوُدَ، جَمِيعًا عَنْ شُعْبَةَ، فِي هَٰذَا الْإِسْنَادِ.

## (المعجم ٢٤) - (بَابُ جواز الغيلة وهي وطئ المرضع، وكراهة العزل) (التحفة ٢٤)

**[٣٥٦٤] ١٤٠-(١٤٤٢) وحَدَّثَنَا** خَلَفُ بْنُ هِشَامٍ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ - وَاللَّفْظُ لَهُ - قَالَ:

intercourse with a breastfeeding woman, until it occurred to me that the Romans and Persians do that and it does not harm their children."

قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَٰنِ بْنِ نَوْفَلٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنْ جُدَامَةَ بِنْتِ وَهْبٍ الْأَسَدِيَّةِ؛ أَنَّهَا سَمِعَتْ رَسُولَ اللهِ ﷺ يَقُولُ: «لَقَدْ هَمَمْتُ أَنْ أَنْهَىٰ عَنِ الْغِيلَةِ، حَتَّى ذَكَرْتُ أَنَّ الرُّومَ وَفَارِسَ يَصْنَعُونَ ذٰلِكَ فَلَا يَضُرُّ أَوْلَادَهُمْ».

وَأَمَّا خَلَفٌ فَقَالَ: عَنْ جُذَامَةَ الْأَسَدِيَّةِ، قَالَ مُسْلِمٌ: وَالصَّحِيحُ مَا قَالَهُ يَحْيَى: بِالدَّالِ غَيْرِ مَنْقُوطَةٍ.

**[3565] 141 - (...)** It was narrated from 'Âishah that Judâmah bint Wahb, the sister of 'Ukâshah, said: "I came to the Messenger of Allâh ﷺ along with some other people and he was saying: 'I was thinking of forbidding intercourse with a breastfeeding woman, then I looked at the Romans and Persians; they have intercourse with their wives during the breastfeeding period and their children are not harmed by that at all.' Then they asked him about *'Azl* and the Messenger of Allâh ﷺ said: 'It is a hidden form of burying alive.'" Ubaidullâh added in his *Ḥadîth* from Al-Muqri': This is a reference to (the verse): "And when the female (infant) buried alive is questioned."[1]

**[٣٥٦٥] ١٤١ -(...)** حَدَّثَنَا عُبَيْدُ اللهِ بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ أَبِي عُمَرَ قَالَا: حَدَّثَنَا الْمُقْرِىءُ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي أَيُّوبَ: حَدَّثَنِي أَبُو الْأَسْوَدِ عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنْ جُدَامَةَ بِنْتِ وَهْبٍ، أُخْتِ عُكَّاشَةَ قَالَتْ: حَضَرْتُ رَسُولَ اللهِ ﷺ فِي أُنَاسٍ، وَهُوَ يَقُولُ: «لَقَدْ هَمَمْتُ أَنْ أَنْهَىٰ عَنِ الْغِيلَةِ، فَنَظَرْتُ فِي الرُّومِ وَفَارِسَ، فَإِذَا هُمْ يُغِيلُونَ أَوْلَادَهُمْ، فَلَا يَضُرُّ أَوْلَادَهُمْ ذٰلِكَ شَيْئًا». ثُمَّ سَأَلُوهُ عَنِ الْعَزْلِ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «ذٰلِكَ الْوَأْدُ الْخَفِيُّ».

زَادَ عُبَيْدُ اللهِ فِي حَدِيثِهِ عَنِ الْمُقْرِىءِ [وَهِيَ]: ﴿وَإِذَا ٱلْمَوْءُۥدَةُ سُئِلَتْ﴾ [التكوير: ٨].

[1] *At-Takwîr* 81:6.

**[3566] 142 - (...)** It was narrated from 'Âishah that Judâmah bint Wahb Al-Asadiyyah said: "I heard the Messenger of Allâh ﷺ say:..." and he (the narrator) mentioned a *Hadîth* like that of Sa'eed bin Abî Ayyûb (no. 3565) about *'Azl* and *Ghîlah*.

**[٣٥٦٦] ١٤٢-(...)** وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى بْنُ إِسْحٰقَ: حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ بْنِ نَوْفَلٍ الْقُرَشِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ، عَنْ جُدَامَةَ بِنْتِ وَهْبٍ الْأَسَدِيَّةِ أَنَّها قَالَتْ: سَمِعْتُ رَسُولَ اللهِ ﷺ، وَذَكَرَ بِمِثْلِ حَدِيثِ سَعِيدِ بْنِ أَبِي أَيُّوبَ، فِي الْعَزْلِ وَالْغِيلَةِ، غَيْرَ أَنَّهُ قَالَ: «الْغِيَالِ».

**[3567] 143 - (1443)** It was narrated from 'Âmir bin Sa'd bin Abî Waqqâṣ that Usâmah bin Zaid told his father Sa'd bin Abî Waqqâṣ that a man came to the Prophet ﷺ and said: "I withdraw (*'Azl*) from my wife." The Messenger of Allâh ﷺ said to him: "Why do you do that?" The man said: "Out of compassion towards her child, or, her children." The Messenger of Allâh ﷺ said: "If that was harmful, it would have harmed the Persians and Romans."

Zuhair said in his report: "If it is because of that, then no (do not do it), for that does not harm the Persians and Romans."

**[٣٥٦٧] ١٤٣-(١٤٤٣)** حَدَّثَنِي مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ وَزُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لِابْنِ نُمَيْرٍ - قَالَا: حَدَّثَنَا عَبْدُ اللهِ بْنُ يَزِيدَ [الْمَقْبُرِيُّ]: حَدَّثَنَا حَيْوَةُ: حَدَّثَنِي عَيَّاشُ بْنُ عَبَّاسٍ؛ أَنَّ أَبَا النَّضْرِ حَدَّثَهُ، عَنْ عَامِرِ بْنِ سَعْدٍ، أَنَّ أُسَامَةَ بْنَ زَيْدٍ أَخْبَرَ وَالِدَهُ سَعْدَ بْنَ أَبِي وَقَّاصٍ؛ أَنَّ رَجُلًا جَاءَ إِلَىٰ رَسُولِ اللهِ ﷺ فَقَالَ: إِنِّي أَعْزِلُ عَنِ امْرَأَتِي، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «لِمَ تَفْعَلُ ذٰلِكَ؟» فَقَالَ الرَّجُلُ: أُشْفِقُ عَلَىٰ وَلَدِهَا، أَوْ عَلَىٰ أَوْلَادِهَا. فَقَالَ رَسُولُ اللهِ ﷺ «لَوْ كَانَ ذٰلِكَ ضَارًّا، ضَرَّ فَارِسَ وَالرُّومَ».

وَقَالَ زُهَيْرٌ فِي رِوَايَتِهِ «إِنْ كَانَ لِذٰلِكَ فَلَا، مَا ضَارَّ ذٰلِكَ فَارِسَ وَلَا الرّرمَ».

# 17. The Book Of Breastfeeding

# ٢ - (المعجم ١٧) - كتاب الرضاع (التحفة ...)

## Chapter 1. "Breastfeeding Makes Unlawful What Birth Makes Unlawful."

## (المعجم ١) - (بَابُ يحرم من الرضاعة ما يحرم من الولادة) (التحفة ٢٥)

**[3568] 1 - (1444)** It was narrated from 'Amrah that 'Âishah told her, that the Messenger of Allâh ﷺ was with her, and she heard the voice of a man asking permission to enter Ḥafṣah's house. 'Âishah said: "I said: 'O Messenger of Allâh, there is a man asking permission to enter your house.' The Messenger of Allâh ﷺ said: 'I think it is so-and-so' - Ḥafṣah's paternal uncle through breastfeeding. 'Âishah said: 'O Messenger of Allâh, if so-and-so' - her paternal uncle through breastfeeding - were still alive, 'could he enter upon me?' The Messenger of Allâh ﷺ said: 'Yes, for breastfeeding makes unlawful what birth makes unlawful."

**[٣٥٦٨] ١-(١٤٤٤)** حَدَّثَنِي يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ؛ أَنَّ عَائِشَةَ أَخْبَرَتْهَا؛ أَنَّ رَسُولَ اللهِ ﷺ كَانَ عِنْدَهَا، وَإِنَّهَا سَمِعَتْ صَوْتَ رَجُلٍ يَسْتَأْذِنُ فِي بَيْتِ حَفْصَةَ. قَالَتْ عَائِشَةُ فَقُلْتُ: يَا رَسُولَ اللهِ! هٰذَا رَجُلٌ يَسْتَأْذِنُ فِي بَيْتِكَ. فَقَالَ رَسُولُ اللهِ ﷺ «أُرَاهُ فُلَانًا» - لِعَمِّ حَفْصَةَ مِنَ الرَّضَاعَةِ - قَالَتْ عَائِشَةُ: يَا رَسُولَ اللهِ! لَوْ كَانَ فُلَانٌ حَيًّا - لِعَمِّهَا مِنَ الرَّضَاعَةِ - دَخَلَ عَلَيَّ؟ قَالَ رَسُولُ اللهِ ﷺ «نَعَمْ، إِنَّ الرَّضَاعَةَ تُحَرِّمُ مَا تُحَرِّمُ الْوِلَادَةُ».

**[3569] 2 - (...)** It was narrated from 'Amrah that 'Âishah said: "The Messenger of Allâh ﷺ said to me: 'What becomes unlawful through breastfeeding is that which becomes unlawful through birth."

**[٣٥٦٩] ٢-(...)** وحَدَّثَنَاه أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو أُسَامَةَ؛ وَحَدَّثَنِي أَبُو مَعْمَرٍ إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ الْهُذَلِيُّ: حَدَّثَنَا عَلِيُّ بْنُ هَاشِمِ بْنِ الْبَرِيدِ،

جَمِيعًا عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ قَالَتْ: قَالَ [لِي] رَسُولُ اللهِ ﷺ: «يَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ الْوِلَادَةِ».

**[3570] (...)** 'Abdullâh bin Abî Bakr narrated a *Ḥadîth* similar to that of Hishâm bin 'Urwah (no. 3569), with this chain.

**[٣٥٧٠] (...) وَحَدَّثَنِيهِ** إِسْحَقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي عَبْدُ اللهِ بْنُ أَبِي بَكْرٍ، بِهٰذَا الْإِسْنَادِ، مِثْلَ حَدِيثِ هِشَامِ بْنِ عُرْوَةَ.

## Chapter 2. The Prohibition That Results From Breastfeeding Is Related To The Issue Of The Male

## (المعجم ٢) - (بَابُ تحريم الرضاعة من ماء الفحل) (التحفة ٢٦)

**[3571] 3 - (1445)** It was narrated from 'Âishah that Aflaḥ, the brother of Abû Al-Qu'ais, came and asked for permission to enter upon her, who was her paternal uncle through breastfeeding, after (the command of) *Hijâb* had been revealed. She said: "I refused to let him in, and when the Messenger of Allâh ﷺ came, I told him what I had done, and he told me to let him in."

**[٣٥٧١] ٣-(١٤٤٥) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ؛ أَنَّهَا أَخْبَرَتْهُ؛ أَنَّ أَفْلَحَ، أَخَا أَبِي الْقُعَيْسِ، جَاءَ يَسْتَأْذِنُ عَلَيْهَا، وَهُوَ عَمُّهَا مِنَ الرَّضَاعَةِ، بَعْدَ أَنْ أُنْزِلَ الْحِجَابُ، قَالَتْ: فَأَبَيْتُ أَنْ آذَنَ لَهُ، فَلَمَّا جَاءَ رَسُولُ اللهِ ﷺ أَخْبَرْتُهُ بِالَّذِي صَنَعْتُ، فَأَمَرَنِي أَنْ آذَنَ لَهُ عَلَيَّ.

**[3572] 4 - (...)** It was narrated that 'Âishah said: "My paternal uncle through breastfeeding,

**[٣٥٧٢] ٤-(...) وحَدَّثَنَاه** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ

Aflaḥ bin Abû Al-Qu'ais, came to me..." and he mentioned a *Ḥadîth* similar to that of Mâlik (no. 3571) and added: "I said: 'It is the woman who breastfed me, not the man.' He ﷺ said: 'May your hands' - or 'your right hand - be rubbed with dust.'"

الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: أَتَانِي عَمِّي مِنَ الرَّضَاعَةِ، أَفْلَحُ بْنُ أَبِي قُعَيْسٍ، فَذَكَرَ بِمَعْنَىٰ حَدِيثِ مَالِكٍ. وَزَادَ: قُلْتُ: إِنَّمَا أَرْضَعَتْنِي الْمَرْأَةُ وَلَمْ يُرْضِعْنِي الرَّجُلُ، قَالَ: «تَرِبَتْ يَدَاكِ، أَوْ يَمِينُكِ».

**[3573] 5 - (...)** It was narrated from 'Urwah that 'Âishah told him that Aflaḥ, the brother of Abû Al-Qu'ais, came and asked for permission to enter upon her, after the (command of) *Ḥijâb* had been revealed. Abû Al-Qu'ais was 'Âishah's father through breastfeeding. 'Âishah said: "I said: 'By Allâh, I will not give permission to Aflaḥ until I seek permission from the Messenger of Allâh ﷺ, for Abû Al-Qu'ais is not the one who breastfed me, rather his wife breastfed me.'" 'Âishah said: "When the Messenger of Allâh ﷺ came in, I said: 'O Messenger of Allâh, Aflaḥ, the brother of Abû Al-Qu'ais, came to me and asked permission to enter upon me, but I did not want to give him permission until I asked your permission.' The Prophet ﷺ said: 'Give him permission.'"

'Urwah said: "Because of that, 'Âishah used to say: 'Regard as unlawful through breastfeeding that which you regard as unlawful through lineage.'"

**[٣٥٧٣] ٥-(...) وحدَّثني** حَرْمَلَةُ ابْنُ يَحْيَىٰ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ أَنَّ عَائِشَةَ أَخْبَرَتْهُ؛ أَنَّهُ جَاءَ أَفْلَحُ أَخُو أَبِي الْقُعَيْسِ يَسْتَأْذِنُ عَلَيْهَا، بَعْدَ مَا نَزَلَ الْحِجَابُ، وَكَانَ أَبُو الْقُعَيْسِ أَبَا عَائِشَةَ مِنَ الرَّضَاعَةِ، قَالَتْ عَائِشَةُ: فَقُلْتُ: وَاللهِ! لَا آذَنُ لِأَفْلَحَ، حَتَّى أَسْتَأْذِنَ رَسُولَ اللهِ ﷺ، فَإِنَّ أَبَا الْقُعَيْسِ لَيْسَ هُوَ أَرْضَعَنِي، وَلٰكِنْ أَرْضَعَتْنِي امْرَأَتُهُ، قَالَتْ عَائِشَةُ: فَلَمَّا دَخَلَ رَسُولُ اللهِ ﷺ قُلْتُ: يَا رَسُولَ اللهِ! إِنَّ أَفْلَحَ أَخَا أَبِي الْقُعَيْسِ جَاءَنِي يَسْتَأْذِنُ عَلَيَّ فَكَرِهْتُ أَنْ آذَنَ لَهُ حَتَّى أَسْتَأْذِنَكَ، قَالَ: قَالَتْ: فَقَالَ النَّبِيُّ ﷺ: «ائْذَنِي لَهُ».

قَالَ عُرْوَةُ: فَبِذٰلِكَ كَانَتْ عَائِشَةُ تَقُولُ: حَرِّمُوا مِنَ الرَّضَاعَةِ مَا تُحَرِّمُونَ مِنَ النَّسَبِ.

[3574] 6 - (...) It was narrated from Az-Zuhrî with this chain: "Aflaḥ, the brother of Abû Al-Qu'ais, came and asked permission to enter upon her..." a similar *Ḥadîth* (as no. 3572), in which it says: "He is your paternal uncle, may your right hand be rubbed with dust." Abû Al-Qu'ais was the husband of the woman who breastfed 'Âishah.

[٣٥٧٤] ٦-(...) وحَدَّثنا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، بِهَٰذَا الْإِسْنَادِ، جَاءَ أَفْلَحُ أَخُو أَبِي الْقُعَيْسِ يَسْتَأْذِنُ عَلَيْهَا، بِنَحْوِ حَدِيثِهِمْ، وَفِيهِ «فَإِنَّهُ عَمُّكِ تَرِبَتْ يَمِينُكِ». وَكَانَ أَبُو الْقُعَيْسِ زَوْجَ الْمَرْأَةِ الَّتِي أَرْضَعَتْ عَائِشَةَ.

[3575] 7 - (...) It was narrated that 'Âishah said: "My paternal uncle through breastfeeding came and asked permission to enter upon me, and I refused to give him permission until I consulted the Messenger of Allâh ﷺ. When the Messenger of Allâh ﷺ came, I said: 'My paternal uncle through breastfeeding came and asked for permission to enter upon me, but I refused to give him permission.' The Messenger of Allâh ﷺ said: 'Let your uncle enter upon you.' I said: 'But it is the woman who breastfed me; the man did not breastfeed me.' He said: 'He is your uncle, let him enter upon you.'"

[٣٥٧٥] ٧-(...) وحَدَّثنا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ، قَالَا: حَدَّثَنَا ابْنُ نُمَيْرٍ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَ عَمِّي مِنَ الرَّضَاعَةِ يَسْتَأْذِنُ عَلَيَّ، فَأَبَيْتُ أَنْ آذَنَ لَهُ حَتَّى أَسْتَأْمِرَ رَسُولَ اللهِ ﷺ، فَلَمَّا جَاءَ رَسُولُ اللهِ ﷺ قُلْتُ: إِنَّ عَمِّي مِنَ الرَّضَاعَةِ اسْتَأْذَنَ عَلَيَّ فَأَبَيْتُ أَنْ آذَنَ لَهُ. فَقَالَ رَسُولُ اللهِ ﷺ: «فَلْيَلِجْ عَلَيْكِ عَمُّكِ» قُلْتُ: إِنَّمَا أَرْضَعَتْنِي الْمَرْأَةُ وَلَمْ يُرْضِعْنِي الرَّجُلُ، قَالَ: «إِنَّهُ عَمُّكِ، فَلْيَلِجْ عَلَيْكِ».

[3576] (...) Hishâm narrated with this chain that the brother of Abû Qu'ais asked for permission to enter upon her... a similar report (as no. 3575).

[٣٥٧٦] (...) حَدَّثَنِي أَبُو الرَّبِيعِ الزَّهْرَانِيُّ: حَدَّثَنَا حَمَّادٌ يَعْنِي ابْنَ زَيْدٍ: حَدَّثَنَا هِشَامٌ، بِهَٰذَا الْإِسْنَادِ أَنَّ أَخَا أَبِي قُعَيْسٍ اسْتَأْذَنَ عَلَيْهَا. فَذَكَرَ نَحْوَهُ.

[3577] (...) A similar report (as no. 3575) was narrated from

[٣٥٧٧] (...) وحَدَّثَنَاهُ يَحْيَى بْنُ

Hishâm, with this chain, except that he said: "Abû Al-Qu'ais asked for permission to enter upon her."

يَحْيَىٰ: أَخْبَرَنَا أَبُو مُعَاوِيَةَ عَنْ هِشَامٍ، بِهٰذَا الْإِسْنَادِ، نَحْوَهُ. غَيْرَ أَنَّهُ قَالَ: اسْتَأْذَنَ عَلَيْهَا أَبُو الْقُعَيْسِ.

**[3578] 8 - (...)** It was narrated from Ibn Juraij from 'Aṭâ', who said: "'Urwah bin Az-Zubair informed me that 'Âishah told him: 'My paternal uncle through breastfeeding, Abû Al-Ja'd, asked for permission to enter upon me, and I refused.'" - Hishâm said to me: "In fact it was Abû Al-Qu'ais." - "When the Prophet ﷺ came, I told him about that and he said: 'Why didn't you let him in, may your right hand - or your hand - be rubbed with dust?'"

**[٣٥٧٨] ٨-(...) وحَدَّثَني** الْحَسَنُ ابْنُ عَلِيٍّ الْحُلْوَانِيُّ وَمُحَمَّدُ بْنُ رَافِعٍ، قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ عَنْ عَطَاءٍ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ؛ أَنَّ عَائِشَةَ أَخْبَرَتْهُ قَالَتِ: اسْتَأْذَنَ عَلَيَّ عَمِّي مِنَ الرَّضَاعَةِ، أَبُو الْجَعْدِ، فَرَدَدْتُهُ - قَالَ لِي هِشَامٌ: إِنَّمَا هُوَ أَبُو الْقُعَيْسِ - فَلَمَّا جَاءَ النَّبِيُّ ﷺ أَخْبَرْتُهُ ذٰلِكَ. قَالَ «فَهَلَّا أَذِنْتِ لَهُ؟ تَرِبَتْ يَمِينُكِ أَوْ يَدُكِ».

**[3579] 9 - (...)** It was narrated from 'Âishah that her paternal uncle through breastfeeding, who was called Aflaḥ, asked for permission to enter upon her, and she did not give him permission to enter until she had put on *Ḥijâb*. She told the Messenger of Allâh ﷺ, and he said to her: "Do not observe *Ḥijâb* before him, for what becomes unlawful through breastfeeding is that which becomes unlawful through lineage."

**[٣٥٧٩] ٩-(...) وحَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عِرَاكٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ؛ أَنَّهَا أَخْبَرَتْهُ؛ أَنَّ عَمَّهَا مِنَ الرَّضَاعَةِ يُسَمَّىٰ أَفْلَحَ، اسْتَأْذَنَ عَلَيْهَا فَحَجَبَتْهُ، فَأَخْبَرَتْ رَسُولَ اللهِ ﷺ. فَقَالَ لَهَا: «لَا تَحْتَجِبِي مِنْهُ، فَإِنَّهُ يَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ النَّسَبِ».

**[3580] 10 - (...)** It was narrated that 'Âishah said: "Aflaḥ bin Qu'ais asked for permission to enter upon me, and I refused to let him in. He sent word saying:

**[٣٥٨٠] ١٠-(...) وحَدَّثَنَا** عُبَيْدُ اللهِ بْنُ مُعَاذٍ الْعَنْبَرِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنِ الْحَكَمِ، عَنْ عِرَاكِ بْنِ مَالِكٍ،

'I am your paternal uncle, my brother's wife breastfed you.' But she refused to let him in. Then the Messenger of Allâh ﷺ came, and she told him about that, and he said: 'Let him enter upon you, for he is your paternal uncle.'"

عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتِ: اسْتَأْذَنَ عَلَيَّ أَفْلَحُ بْنُ قُعَيْسٍ، فَأَبَيْتُ أَنْ آذَنَ لَهُ، فَأَرْسَلَ: إِنِّي عَمُّكِ، أَرْضَعَتْكِ امْرَأَةُ أَخِي، فَأَبَيْتُ أَنْ آذَنَ لَهُ، فَجَاءَ رَسُولُ اللهِ ﷺ، فَذَكَرْتُ ذٰلِكَ لَهُ. فَقَالَ: «لِيَدْخُلْ عَلَيْكِ، فَإِنَّهُ عَمُّكِ».

## Chapter 3. The Daughter Of One's Brother Through Breastfeeding Is Forbidden In Marriage

## (المعجم ٣) - (بَابُ تحريم ابنة الأخ من الرضاعة) (التحفة ٢٧)

**[3581] 11 - (1446)** It was narrated that 'Alî said: "I said: 'O Messenger of Allâh, why do you insist on choosing a wife from among the Quraish and you ignore us?' He said: 'Have you anything to suggest?' I said: 'Yes, the daughter of Hamzah.' The Messenger of Allâh ﷺ said: 'She is not permissible for me (to marry), for she is the daughter of my brother through breastfeeding.'"

**[٣٥٨١] ١١-(١٤٤٦)** وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَزُهَيْرُ بْنُ حَرْبٍ، وَمُحَمَّدُ بْنُ الْعَلَاءِ- وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالُوا: أَخْبَرَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ سَعْدِ بْنِ عُبَيْدَةَ، عَنْ أَبِي عَبْدِ الرَّحْمٰنِ، عَنْ عَلِيٍّ قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! مَا لَكَ تَنَوَّقُ فِي قُرَيْشٍ وَتَدَعُنَا؟ فَقَالَ: «وَعِنْدَكُمْ شَيْءٌ؟» قُلْتُ: نَعَمْ، بِنْتُ حَمْزَةَ. فَقَالَ رَسُولُ اللهِ ﷺ: «إِنَّهَا لَا تَحِلُّ لِي، إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ».

**[3582] (...)** A similar report (as no. 3581) was narrated from Al-A'mash with this chain.

**[٣٥٨٢] (...)** وحَدَّثَنَاهُ عُثْمَانُ بْنُ أَبِي شَيْبَةَ وَإِسْحٰقُ بْنُ إِبْرَاهِيمَ عَنْ جَرِيرٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ: حَدَّثَنَا عَبْدُ

الرَّحْمٰنِ بْنُ مَهْدِيٍّ عَنْ سُفْيَانَ، كُلُّهُمْ، عَنِ الْأَعْمَشِ، بِهٰذَا الْإِسْنَادِ، مِثْلَهُ.

**[3583] 12 - (1447)** It was narrated from Ibn 'Abbâs that it was suggested that the Prophet ﷺ marry the daughter of Ḥamzah. He said: "She is not permissible for me (to marry), for she is the daughter of my brother through breastfeeding, and what becomes unlawful through breastfeeding is that which becomes unlawful through ties of kinship."

**[٣٥٨٣] ١٢-(١٤٤٧) وحَدَّثَنَا** هَدَّابُ بْنُ خَالِدٍ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَتَادَةُ عَنْ جَابِرِ بْنِ زَيْدٍ، عَنِ ابْنِ عَبَّاسٍ، أَنَّ النَّبِيَّ ﷺ أُرِيدَ عَلَىٰ ابْنَةِ حَمْزَةَ، فَقَالَ: «إِنَّهَا لَا تَحِلُّ لِي، إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ، وَيَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ الرَّحِمِ».

**[3584] 13 - (...)** The same report (no. 3583) was narrated from Qatâdah with the chain of Hammâm, except that the *Ḥadîth* of Shu'bah ends with the words "...the daughter of my brother through breastfeeding." In the *Ḥadîth* of Sa'eed it says: "Verily what becomes unlawful through breastfeeding is that which becomes unlawful through blood ties"

**[٣٥٨٤] ١٣-(...) وحَدَّثَنَاه** زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا يَحْيَىٰ وَهُوَ الْقَطَّانُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ مِهْرَانَ الْقُطَعِيُّ: حَدَّثَنَا بِشْرُ بْنُ عُمَرَ، جَمِيعًا، عَنْ شُعْبَةَ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، كِلَيْهِمَا عَنْ قَتَادَةَ بِإِسْنَادِ هَمَّامٍ سَوَاءً غَيْرَ أَنَّ حَدِيثَ شُعْبَةَ انْتَهَىٰ عِنْدَ قَوْلِهِ «ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ». وَفِي حَدِيثِ سَعِيدٍ «وَإِنَّهُ يَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ النَّسَبِ». وَفِي رِوَايَةِ بِشْرِ بْنِ عُمَرَ: سَمِعْتُ جَابِرَ بْنَ زَيْدٍ.

**[3585] 14 - (1448)** Umm Salamah, the wife of the Prophet ﷺ said: "It was said to the Messenger of Allâh ﷺ: 'What do you think, O Messenger of Allâh,

**[٣٥٨٥] ١٤-(١٤٤٨) وحَدَّثَنَا** هٰرُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ وَأَحْمَدُ بْنُ عِيسَىٰ، قَالَا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي

about the daughter of Ḥamzah?' Or it was said: 'Why don't you propose marriage to the daughter of Ḥamzah bin 'Abdul-Muṭṭalib?' He said: 'Ḥamzah is my brother through breastfeeding.'"

مَخْرَمَةُ بْنُ بُكَيْرٍ عَنْ أَبِيهِ قَالَ: سَمِعْتُ عَبْدَ اللهِ بْنَ مُسْلِمٍ يَقُولُ: سَمِعْتُ مُحَمَّدَ ابْنَ مُسْلِمٍ يَقُولُ: سَمِعْتُ حُمَيْدَ بْنَ عَبْدِ الرَّحْمَٰنِ يَقُولُ: سَمِعْتُ أُمَّ سَلَمَةَ زَوْجَ النَّبِيِّ ﷺ تَقُولُ: قِيلَ لِرَسُولِ اللهِ ﷺ: أَيْنَ أَنْتَ؟ يَا رَسُولَ اللهِ! عَنِ ابْنَةِ حَمْزَةَ؟ أَوْ قِيلَ: أَلَا تَخْطُبُ بِنْتَ حَمْزَةَ بْنِ عَبْدِ الْمُطَّلِبِ؟ قَالَ: «إِنَّ حَمْزَةَ أَخِي مِنَ الرَّضَاعَةِ».

## Chapter 4. The Prohibition Of Marriage To One's Stepdaughter And The Sister Of One's Wife

## (المعجم ٤) - (بَابُ تحريم الربيبة وأخت المرأة) (التحفة ٢٨)

**[3586] 15 - (1449)** It was narrated that Umm Ḥabîbah bint Abî Sufyân said: "The Messenger of Allâh ﷺ entered upon me and I said to him: 'What about my sister, the daughter of Abû Sufyân?' He said: 'What should I do?' I said: 'Marry her.' He said: 'Would you like that?' I said: 'I am not your only wife, and I would like my sister to share with me in this goodness.' He said: 'She is not permissible for me (to marry).' I said: 'I have been told that you proposed marriage to Durrah bint Abî Salamah.' He said: 'The daughter of Umm Salamah?' I said: 'Yes.' He said: 'Even if she was not my stepdaughter under my care, she

**[٣٥٨٦] ١٥-(١٤٤٩)** حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ: أَخْبَرَنَا هِشَامٌ: أَخْبَرَنِي أَبِي عَنْ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ، عَنْ أُمِّ حَبِيبَةَ بِنْتِ أَبِي سُفْيَانَ قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ فَقُلْتُ لَهُ: هَلْ لَكَ فِي أُخْتِي بِنْتِ أَبِي سُفْيَانَ؟ فَقَالَ: «أَفْعَلُ مَاذَا؟» قُلْتُ: تَنْكِحُهَا. قَالَ: «أَوَ تُحِبِّينَ ذٰلِكِ؟» قُلْتُ: لَسْتُ لَكَ بِمُخْلِيَةٍ، وَأَحَبُّ مَنْ شَرِكَنِي فِي الْخَيْرِ أُخْتِي. قَالَ: «فَإِنَّهَا لَا تَحِلُّ لِي» قُلْتُ: فَإِنِّي أُخْبِرْتُ أَنَّكَ تَخْطُبُ دُرَّةَ بِنْتَ أَبِي سَلَمَةَ. قَالَ: «بِنْتَ أُمِّ سَلَمَةَ؟»

would not be permissible for me (to marry); her father and I were both breastfed by Thuwaibah. Do not offer your daughters or sisters to me in marriage.'"

قُلْتُ: نَعَمْ. قَالَ: «لَوْ أَنَّهَا لَمْ تَكُنْ رَبِيبَتِي فِي حِجْرِي، مَا حَلَّتْ لِي. إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ، أَرْضَعَتْنِي وَأَبَاهَا ثُوَيْبَةُ، فَلَا تَعْرِضْنَ عَلَيَّ بَنَاتِكُنَّ وَلَا أَخَوَاتِكُنَّ».

**[3587]** **(...)** A similar report (as no. 3586) was narrated from Hishâm bin 'Urwah with this chain.

[٣٥٨٧] (...) **وَحَدَّثَنِيهِ** سُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّاءَ بْنِ أَبِي زَائِدَةَ؛ وَحَدَّثَنَا عَمْرٌو النَّاقِدُ: حَدَّثَنَا الْأَسْوَدُ بْنُ عَامِرٍ: أَخْبَرَنَا زُهَيْرٌ، كِلَاهُمَا، عَنْ هِشَامِ بْنِ عُرْوَةَ، بِهَٰذَا الْإِسْنَادِ، سَوَاءً.

**[3588] 16 - (...)** Umm Habîbah, the wife of the Prophet ﷺ, narrated that she said to the Messenger of Allâh ﷺ: "O Messenger of Allâh, marry my sister 'Azzah." The Messenger of Allâh ﷺ said: "Would you like that?" She said: "Yes, O Messenger of Allâh. I am not your only wife, and I would like my sister to share with me in the goodness." The Messenger of Allâh ﷺ said: "That is not permissible for me." I said: "O Messenger of Allâh, we have been told that you want to marry Durrah bint Abî Salamah." He said: "The daughter of Abû Salamah?" She said: "Yes." The Messenger of Allâh ﷺ said: "Even if she were not my stepdaughter under my care, she would not be permissible for me (to marry), for she is the

[٣٥٨٨] ١٦-(...) **وحَدَّثَنا** مُحَمَّدُ ابْنُ رُمْحِ بْنِ الْمُهَاجِرِ: أَخْبَرَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ؛ أَنَّ مُحَمَّدَ بْنَ شِهَابٍ كَتَبَ يَذْكُرُ؛ أَنَّ عُرْوَةَ حَدَّثَهُ؛ أَنَّ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ حَدَّثَتْهُ؛ أَنَّ أُمَّ حَبِيبَةَ زَوْجَ النَّبِيِّ ﷺ حَدَّثَتْهَا؛ أَنَّهَا قَالَتْ لِرَسُولِ اللهِ ﷺ: يَا رَسُولَ اللهِ! انْكِحْ أُخْتِي عَزَّةَ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَتُحِبِّينَ ذٰلِكِ» فَقَالَتْ: نَعَمْ، يَا رَسُولَ اللهِ! لَسْتُ لَكَ بِمُخْلِيَةٍ، وَأَحَبُّ مَنْ شَرِكَنِي فِي خَيْرٍ، أُخْتِي. فَقَالَ رَسُولُ اللهِ ﷺ: «فَإِنَّ ذٰلِكِ لَا يَحِلُّ لِي». قَالَتْ: فَقُلْتُ: يَا رَسُولَ اللهِ! فَإِنَّا نَتَحَدَّثُ أَنَّكَ تُرِيدُ أَنْ تَنْكِحَ دُرَّةَ بِنْتَ أَبِي سَلَمَةَ. قَالَ «أَبِنْتَ

daughter of my brother through breastfeeding. Her father Abû Salamah and I were both breastfed by Thuwaibah. Do not offer your daughters or sisters to me in marriage."

أَبِي سَلَمَةَ؟» قَالَتْ: نَعَمْ، قَالَ رَسُولُ اللهِ ﷺ «لَوْ أَنَّهَا لَمْ تَكُنْ رَبِيبَتِي فِي حَجْرِي مَا حَلَّتْ لِي، إِنَّهَا ابْنَةُ أَخِي مِنَ الرَّضَاعَةِ، أَرْضَعَتْنِي وأَبَاهَا أَبَا سَلَمَةَ ثُوَيْبَةُ، فَلَا تَعرِضْنَ عَلَيَّ بَنَاتِكُنَّ وَلَا أَخَوَاتِكُنَّ».

**[3589] (...)** A similar *Hadîth* (as no. 3588) was narrated from Az-Zuhrî with the chain of Ibn Abî Habîbah, but none of them mentioned 'Azzah by name except Yazîd bin Abî Habîbah.

**[٣٥٨٩] (. . .) وَحَدَّثَنِيهِ** عَبْدُ الْمَلِكِ ابْنُ شُعَيْبِ بْنِ اللَّيْثِ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي عُقَيْلُ بْنُ خَالِدٍ؛ وَحَدَّثَنَاهُ عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنِي يَعْقُوبُ بْنُ إِبْرَاهِيمَ الزُّهْرِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ مُسْلِمٍ، كِلَاهُمَا، عَنِ الزُّهْرِيِّ بِإِسْنَادِ ابْنِ أَبِي حَبِيبٍ عَنْهُ، نَحْوَ حَدِيثِهِ، وَلَمْ يُسَمِّ أَحَدٌ مِنْهُمْ فِي حَدِيثِهِ، عَزَّةَ، غَيْرُ يَزِيدَ بْنِ أَبِي حَبِيبٍ.

## Chapter 5. One Or Two Sucks

## (المعجم ٥) - (بَابٌ فِي المصة والمصتان) (التحفة ٢٩)

**[3590] 17 - (1450)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ said: 'One or two sucks do not make anything forbidden.'"

**[٣٥٩٠] ١٧-(١٤٥٠) حَدَّثَنِي** زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا إِسْمَاعِيلُ؛ وَحَدَّثَنِي سُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا مُعْتَمِرُ بْنُ سُلَيْمَانَ، كِلَاهُمَا عَنْ أَيُّوبَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عَبْدِ اللهِ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ

رَسُولُ اللهِ ﷺ: - وَقَالَ سُوَيْدٌ وَزُهَيْرٌ: إِنَّ النَّبِيَّ ﷺ قَالَ -: «لَا تُحَرِّمُ الْمَصَّةُ وَالْمَصَّتَانِ».

**[3591] 18 - (1451)** It was narrated that Umm Al-Faḍl said: "A Bedouin entered upon the Prophet of Allâh ﷺ when he was in my house, and said: 'O Prophet of Allâh, I have a wife and I took another wife. My first wife claims that she breastfed my new wife once or twice.' The Prophet of Allâh ﷺ said: 'One or two sucks do not make anything forbidden.'" 'Amr said in his report: "It was narrated from 'Abdullâh bin Al-Ḥârith bin Nawfal."

**[٣٥٩١] ١٨-(١٤٥١)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ وَعَمْرٌو النَّاقِدُ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ كُلُّهُمْ، عَنِ الْمُعْتَمِرِ - وَاللَّفْظُ لِيَحْيَىٰ - أَخْبَرَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ عَنْ أَيُّوبَ، يُحَدِّثُ عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللهِ بْنِ الْحَارِثِ، عَنْ أُمِّ الْفَضْلِ قَالَتْ: دَخَلَ أَعْرَابِيٌّ عَلَىٰ نَبِيِّ اللهِ ﷺ وَهُوَ فِي بَيْتِي. فَقَالَ: يَا نَبِيَّ اللهِ! إِنِّي كَانَتْ لِي امْرَأَةٌ فَتَزَوَّجْتُ عَلَيْهَا أُخْرَىٰ، فَزَعَمَتِ امْرَأَتِي الْأُولَىٰ أَنَّهَا أَرْضَعَتِ امْرَأَتِي الْحُدْثَىٰ رَضْعَةً أَوْ رَضْعَتَيْنِ، فَقَالَ نَبِيُّ اللهِ ﷺ: «لَا تُحَرِّمُ الْإِمْلَاجَةُ وَالْإِمْلَاجَتَانِ» قَالَ عَمْرٌو فِي رِوَايَتِهِ: عَنْ عَبْدِ اللهِ بْنِ الْحَارِثِ بْنِ نَوْفَلٍ.

**[3592] 19 - (...)** It was narrated from Umm Al-Faḍl that a man from Banû 'Âmir bin Ṣa'ṣa'ah said: "O Prophet of Allâh, does a single breastfeeding make anything forbidden?" He said: "No."

**[٣٥٩٢] ١٩-(...)** حَدَّثَنِي أَبُو غَسَّانَ الْمِسْمَعِيُّ: حَدَّثَنَا مُعَاذٌ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُعَاذُ ابْنُ هِشَامٍ: حَدَّثَنِي أَبِي، عَنْ قَتَادَةَ، عَنْ صَالِحِ ابْنِ أَبِي مَرْيَمَ، أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللهِ بْنِ الْحَارِثِ، عَنْ أُمِّ الْفَضْلِ؛ أَنَّ رَجُلًا مِنْ بَنِي عَامِرِ بْنِ صَعْصَعَةَ قَالَ: يَا

نَبِيَّ اللهِ! هَلْ تُحَرِّمُ الرَّضْعَةُ الْوَاحِدَةُ؟ قَالَ: «لَا».

**[3593] 20 - (...)** Umm Al-Faḍl narrated that the Prophet of Allâh ﷺ said: "One or two breastfeedings, or one or two sucks, do not make anything forbidden."

**[٣٥٩٣] ٢٠-(. . .) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ، عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللهِ بْنِ الْحَارِثِ؛ أَنَّ أُمَّ الْفَضْلِ حَدَّثَتْ؛ أَنَّ نَبِيَّ اللهِ ﷺ قَالَ: «لَا تُحَرِّمُ الرَّضْعَةُ أَوِ الرَّضْعَتَانِ، أَوِ الْمَصَّةُ أَوِ الْمَصَّتَانِ».

**[3594] 21 - (...)** It was narrated from Ibn 'Abî 'Arûbah, with this chain (a *Ḥadîth* similar to no. 3593). As for Isḥâq, he said, as in the report of Ibn Bishr: "...or two breastfeedings or two sucks." As for Ibn Abî Shaibah, he said: "...and two breastfeedings and two sucks."

**[٣٥٩٤] ٢١-(. . .) وحَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وإِسْحَاقُ بْنُ إِبْرَاهِيمَ، جَمِيعًا عَنْ عَبْدَةَ بْنِ سُلَيْمَانَ، عَنِ ابْنِ أَبِي عَرُوبَةَ، بِهٰذَا الْإِسْنَادِ. أَمَّا إِسْحَاقُ فَقَالَ كَرِوَايَةِ ابْنِ بِشْرٍ: «أَوِ الرَّضْعَتَانِ أَوِ الْمَصَّتَانِ» وَأَمَّا ابْنُ أَبِي شَيْبَةَ فَقَالَ: «وَالرَّضْعَتَانِ وَالْمَصَّتَانِ».

**[3595] 22 - (...)** It was narrated from Umm Al-Faḍl that the Prophet ﷺ said: "One or two sucks do not make anything forbidden."

**[٣٥٩٥] ٢٢-(. . .) وحَدَّثَنَاهُ** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا بِشْرُ بْنُ السَّرِيِّ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ قَتَادَةَ، عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللهِ بْنِ الْحَارِثِ بْنِ نَوْفَلٍ، عَنْ أُمِّ الْفَضْلِ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُحَرِّمُ الْإِمْلَاجَةُ وَالْإِمْلَاجَتَانِ».

**[3596] 23 - (...)** It was narrated from Umm Al-Faḍl that a man asked the Prophet ﷺ: "Does one

**[٣٥٩٦] ٢٣-(. . .) حَدَّثَنِي** أَحْمَدُ ابْنُ سَعِيدٍ الدَّارِمِيُّ: حَدَّثَنَا حَبَّانُ: حَدَّثَنَا

suck make anything forbidden?" He said: "No."

هَمَّامٌ: حَدَّثَنَا قَتَادَةُ عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللهِ بْنِ الْحَارِثِ، عَنْ أُمِّ الْفَضْلِ سَأَلَ رَجُلٌ النَّبِيَّ ﷺ: أَتُحَرِّمُ الْمَصَّةُ؟ فَقَالَ: «لَا».

## Chapter 6. Becoming *Mahram* Is Established By Five Breastfeedings

## (المعجم ٦) - (بَابُ التحريم بخمس رضعات) (التحفة ٣٠)

**[3597] 24 - (1452)** It was narrated that 'Âishah said: "Among the things that were revealed of the Qur'ân was that ten definite breastfeedings make a person a *Mahram*, then that was abrogated and replaced with five definite breastfeedings, and the Messenger of Allâh ﷺ passed away when this was among the things that were recited of the Qur'ân."

**[٣٥٩٧] ٢٤-(١٤٥٢) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ؛ أَنَّهَا قَالَتْ: كَانَ فِيمَا أُنْزِلَ مِنَ الْقُرْآنِ: عَشْرُ رَضَعَاتٍ مَعْلُومَاتٍ يُحَرِّمْنَ، ثُمَّ نُسِخْنَ: بِخَمْسٍ مَعْلُومَاتٍ، فَتُوُفِّيَ رَسُولُ اللهِ ﷺ وَهِيَ فِيمَا يُقْرَأُ مِنَ الْقُرْآنِ.

**[3598] 25 - (...)** It was narrated from 'Amrah that she heard 'Âishah say - when she was mentioning what kind of breastfeeding makes a person a *Mahram* - Ten definite breastfeedings were revealed in the Qur'ân, then five definite breastfeedings were revealed too.

**[٣٥٩٨] ٢٥-(...) حَدَّثَنَا** عَبْدُ اللهِ ابْنُ مَسْلَمَةَ الْقَعْنَبِيُّ: حَدَّثَنَا سُلَيْمَانُ بْنُ بِلَالٍ، عَنْ يَحْيَىٰ وَهُوَ ابْنُ سَعِيدٍ - عَنْ عَمْرَةَ؛ أَنَّهَا سَمِعَتْ عَائِشَةَ تَقُولُ - وَهِيَ تَذْكُرُ الَّذِي يُحَرِّمُ مِنَ الرَّضَاعَةِ - قَالَتْ عَمْرَةُ: فَقَالَتْ عَائِشَةُ: نَزَلَ فِي الْقُرْآنِ: عَشْرُ رَضَعَاتٍ مَعْلُومَاتٍ، ثُمَّ نَزَلَ أَيْضًا: خَمْسٌ مَعْلُومَاتٌ.

**[3599] (...)** 'Amrah narrated that she heard 'Âishah say... a similar report (as no. 3597).

**[٣٥٩٩] (...) وحَدَّثَنَاهُ** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ

يَحْيَى بْنَ سَعِيدٍ قَالَ: أَخْبَرَتْنِي عَمْرَةُ؛ أَنَّهَا سَمِعَتْ عَائِشَةَ تَقُولُ بِمِثْلِهِ.

## Chapter 7. Breastfeeding An Adult

(المعجم ٧) - (بَابُ رضاعة الكبير) (التحفة ٣١)

**[3600] 26 - (1453)** It was narrated that 'Âishah said: "Sahlah bint Suhail came to the Prophet ﷺ and said: 'O Messenger of Allâh, I see (signs of displeasure) on the face of Abû Hudhaifah when Sâlim - who was his ally[1] - comes in. The Prophet ﷺ said: 'Breastfeed him.' She said: 'How can I breastfeed him? He is a grown man.' The Messenger of Allâh ﷺ smiled and said: 'I know that he is a grown man.'"

'Amr added in his *Hadîth*: "He was one of those who had been present at Badr." In the report of Ibn Abî 'Umar: "The Messenger of Allâh ﷺ laughed."

**[٣٦٠٠] ٢٦-(١٤٥٣)** وَحَدَّثَنَا عَمْرٌو النَّاقِدُ وَابْنُ أَبِي عُمَرَ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتْ سَهْلَةُ بِنْتُ سُهَيْلٍ إِلَى النَّبِيِّ ﷺ. فَقَالَتْ: يَا رَسُولَ اللهِ! إِنِّي أَرَى فِي وَجْهِ أَبِي حُذَيْفَةَ مِنْ دُخُولِ سَالِمٍ - وَهُوَ حَلِيفُهُ - فَقَالَ النَّبِيُّ ﷺ: «أَرْضِعِيهِ» قَالَتْ: وَكَيْفَ أُرْضِعُهُ؟ وَهُوَ رَجُلٌ كَبِيرٌ، فَتَبَسَّمَ رَسُولُ اللهِ ﷺ وَقَالَ: «قَدْ عَلِمْتُ أَنَّهُ رَجُلٌ كَبِيرٌ».

زَادَ عَمْرٌو فِي حَدِيثِهِ: وَكَانَ قَدْ شَهِدَ بَدْرًا. وَفِي رِوَايَةِ ابْنِ أَبِي عُمَرَ: فَضَحِكَ رَسُولُ اللهِ ﷺ.

**[3601] 27 - (...)** It was narrated from 'Âishah that Sâlim, the freed slave of Abû Hudhaifah,

**[٣٦٠١] ٢٧-(...)** وَحَدَّثَنَا إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ وَمُحَمَّدُ بْنُ أَبِي

[1] Sâlim bin 'Ubaid bin Rabî'ah was adopted by Abû Hudhaifah, as was the custom of the Arabs, and he was brought up under the care of Abû Hudhaifah and his wife as if he was their son. When the verse: "Call them (adopted sons) by (the names of) their fathers." [*Al-Ahzâb* 33:5] was revealed, the idea of adoption was abolished and it became hard on them to prevent him from entering upon them because he was like a son to them. So Sahlah asked him about that.

was with Abû Hudhaifah and his family in their house. She - meaning the daughter of Suhail (ans wife od Abû Hudhaifah)- came to the Prophet ﷺ and said: "Sâlim has attained what men attain (puberty) and he understands what they understand. He enters upon us and I think that Abû Hudhaifah feels some (discomfort) in his heart because of that." The Prophet ﷺ said to her: "Breastfeed him and he will be unlawful for you, and what Abû Hudhaifah feels in his heart will disappear." She came back to him and said: "I breastfed him, and what Abû Hudhaifah felt in his heart has disappeared."

عُمَرَ، جَمِيعًا عَنِ الثَّقَفِيِّ، - قَالَ ابْنُ أَبِي عُمَرَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ - عَنْ أَيُّوبَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ؛ أَنَّ سَالِمًا مَوْلَىٰ أَبِي حُذَيْفَةَ كَانَ مَعَ أَبِي حُذَيْفَةَ وَأَهْلِهِ فِي بَيْتِهِمْ. فَأَتَتْ يَعْنِي بِنْتَ سُهَيْلٍ، النَّبِيَّ ﷺ. فَقَالَتْ: إِنَّ سَالِمًا قَدْ بَلَغَ مَا يَبْلُغُ الرِّجَالُ، وَعَقَلَ مَا عَقَلُوا، وَإِنَّهُ يَدْخُلُ عَلَيْنَا، وَإِنِّي أَظُنُّ أَنَّ فِي نَفْسِ أَبِي حُذَيْفَةَ مِنْ ذٰلِكَ شَيْئًا. فَقَالَ لَهَا النَّبِيُّ ﷺ «أَرْضِعِيهِ تَحْرُمِي عَلَيْهِ، وَيَذْهَبِ الَّذِي فِي نَفْسِ أَبِي حُذَيْفَةَ» فَرَجَعَتْ إِلَيْهِ فَقَالَتْ: إِنِّي قَدْ أَرْضَعْتُهُ، فَذَهَبَ الَّذِي فِي نَفْسِ أَبِي حُذَيْفَةَ.

**[3602] 28 - (...)** It was narrated from 'Âishah that Sahlah bint Suhail bin 'Amr came to the Prophet ﷺ and said: "O Messenger of Allâh, Sâlim - meaning Sâlim, the freed slave of Abû Hudhaifah - is with us in our house, and he has attained what men attain and knows what men know." He said: "Breastfeed him and he will be unlawful for you." He (Ibn Abî Mulaikah, a narrator) said: "For a year or so I did not narrate this out of fear, then I met Al-Qâsim and said to him: 'You told me a *Hadîth* that I have not narrated yet.' He said: 'What is it?' And I told him. He

**[٣٦٠٢] ٢٨-(...)** وحَدَّثَنَا إِسْحٰقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ - وَاللَّفْظُ لِابْنِ رَافِعٍ - قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنَا ابْنُ أَبِي مُلَيْكَةَ؛ أَنَّ الْقَاسِمَ بْنَ مُحَمَّدِ بْنِ أَبِي بَكْرٍ أَخْبَرَهُ؛ أَنَّ عَائِشَةَ أَخْبَرَتْهُ؛ أَنَّ سَهْلَةَ بِنْتَ سُهَيْلِ بْنِ عَمْرٍو جَاءَتِ النَّبِيَّ ﷺ. فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ سَالِمًا - لِسَالِمٍ مَوْلَىٰ أَبِي حُذَيْفَةَ - مَعَنَا فِي بَيْتِنَا، وَقَدْ بَلَغَ مَا يَبْلُغُ الرِّجَالُ وَعَلِمَ مَا يَعْلَمُ الرِّجَالُ قَالَ: «أَرْضِعِيهِ

said: 'Narrate from me that 'Âi<u>sh</u>ah told me that.'"

تَحْرُمِي عَلَيْهِ» قَالَ: فَمَكَثْتُ سَنَةً أَوْ قَرِيبًا مِنْهَا لَا أُحَدِّثُ بِهِ رَهِبَتُهُ، ثُمَّ لَقِيتُ الْقَاسِمَ فَقُلْتُ لَهُ: لَقَدْ حَدَّثْتَنِي حَدِيثًا مَا حَدَّثْتُهُ بَعْدُ. قَالَ: مَا هُوَ؟ فَأَخْبَرْتُهُ. قَالَ: فَحَدِّثْهُ عَنِّي أَنَّ عَائِشَةَ أَخْبَرَتْنِيهِ.

**[3603] 29 - (...)** It was narrated that Zainab bint Umm Salamah said: Umm Salamah said to Âi<u>sh</u>ah: 'There enters upon you a slave boy who is close to puberty, and I would not like him to enter upon me. 'Âi<u>sh</u>ah said: Do you not have a good example in the Messenger of Allâh ﷺ? She said: The wife of Abû Ḥu<u>dh</u>aifah said: "O Messenger of Allâh, Sâlim enters upon me and he is a man, and there is some (discomfort) in the heart of Abû Ḥu<u>dh</u>aifah about that." The Messenger of Allâh ﷺ said: "Breastfeed him so that he may enter upon you."

**[٣٦٠٣] ٢٩-(...) وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ قَالَتْ: قَالَتْ أُمُّ سَلَمَةَ لِعَائِشَةَ: إِنَّهُ يَدْخُلُ عَلَيْكِ الْغُلَامُ الْأَيْفَعُ الَّذِي مَا أُحِبُّ أَنْ يَدْخُلَ عَلَيَّ. قَالَ: فَقَالَتْ عَائِشَةُ: أَمَا لَكِ فِي رَسُولِ اللهِ ﷺ أُسْوَةٌ حَسَنَةٌ؟ قَالَتْ: إِنَّ امْرَأَةَ أَبِي حُذَيْفَةَ قَالَتْ: يَا رَسُولَ اللهِ! إِنَّ سَالِمًا يَدْخُلُ عَلَيَّ وَهُوَ رَجُلٌ، وَفِي نَفْسِ أَبِي حُذَيْفَةَ مِنْهُ شَيْءٌ. فَقَالَ رَسُولُ اللهِ ﷺ: «أَرْضِعِيهِ حَتَّىٰ يَدْخُلَ عَلَيْكِ».

**[3604] 30 - (...)** Zainab bint Abî Salamah said: I heard Umm Salamah, the wife of the Prophet ﷺ say to 'Âi<u>sh</u>ah: By Allâh, I do not like a boy who has passed the age of breastfeeding to see me. She said: Why? Sahlah bint Sa'd came to the Messenger of Allâh

**[٣٦٠٤] ٣٠-(...) وحَدَّثَنِي** أَبُو الطَّاهِرِ وَهَٰرُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ - وَاللَّفْظُ لِهَٰرُونَ - قَالَا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَخْرَمَةُ بْنُ بُكَيْرٍ عَنْ أَبِيهِ قَالَ: سَمِعْتُ حُمَيْدَ بْنَ نَافِعٍ يَقُولُ:

ﷺ and said: "O Messenger of Allâh, by Allâh, I see some (discomfort) in the face of Abû Hudhaifah when Sâlim comes in." The Messenger of Allâh ﷺ said: "Breastfeed him." She said: "He has a beard." He said: "Breastfeed him, and that which is in the face of Abû Hudhaifah will disappear." She said: "By Allâh, I did not see it in the face of Abû Hudhaifah (after that)."

سَمِعْتُ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ تَقُولُ: سَمِعْتُ أُمَّ سَلَمَةَ زَوْجَ النَّبِيِّ ﷺ تَقُولُ لِعَائِشَةَ: وَاللهِ! مَا تَطِيبُ نَفْسِي أَنْ يَرَانِي الْغُلَامُ قَدِ اسْتَغْنَىٰ عَنِ الرَّضَاعَةِ. فَقَالَتْ: لِمَ؟ قَدْ جَاءَتْ سَهْلَةُ بِنْتُ سُهَيْلٍ إِلَىٰ رَسُولِ اللهِ ﷺ. فَقَالَتْ: يَا رَسُولَ اللهِ! وَاللهِ! إِنِّي لَأَرَىٰ فِي وَجْهِ أَبِي حُذَيْفَةَ مِنْ دُخُولِ سَالِمٍ. قَالَتْ: فَقَالَ رَسُولُ اللهِ ﷺ: «أَرْضِعِيهِ». فَقَالَتْ: إِنَّهُ ذُو لِحْيَةٍ. فَقَالَ: «أَرْضِعِيهِ يَذْهَبْ مَا فِي وَجْهِ أَبِي حُذَيْفَةَ». فَقَالَتْ: وَاللهِ! مَا عَرَفْتُهُ فِي وَجْهِ أَبِي حُذَيْفَةَ.

**[3605] 31 - (1454)** Zainab bint Abî Salamah narrated that her mother Umm Salamah, the wife of the Prophet ﷺ, used to say: "The other wives of the Prophet ﷺ used to refuse to admit anyone on the basis of that breastfeeding (of a grown-up). They said to 'Âishah, 'By Allâh, we think that this is a concession which the Messenger of Allâh ﷺ granted only in the case of Sâlim. No one will enter upon us or see us on the basis of this type of breastfeeding.'"

**[٣٦٠٥] ٣١-(١٤٥٤) حَدَّثَنِي** عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ بْنِ اللَّيْثِ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي عُقَيْلُ بْنُ خَالِدٍ عَنِ ابْنِ شِهَابٍ أَنَّهُ قَالَ: أَخْبَرَنِي أَبُو عُبَيْدَةَ ابْنُ عَبْدِ اللهِ بْنِ زَمْعَةَ؛ أَنَّ أُمَّهُ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ أَخْبَرَتْهُ؛ أَنَّ أُمَّهَا أُمَّ سَلَمَةَ زَوْجَ النَّبِيِّ ﷺ كَانَتْ تَقُولُ: أَبَىٰ سَائِرُ أَزْوَاجِ النَّبِيِّ ﷺ أَنْ يُدْخِلْنَ عَلَيْهِنَّ أَحَدًا بِتِلْكَ الرَّضَاعَةِ، وَقُلْنَ لِعَائِشَةَ: وَاللهِ! مَا نَرَىٰ هَٰذَا إِلَّا رُخْصَةً أَرْخَصَهَا رَسُولُ اللهِ ﷺ لِسَالِمٍ خَاصَّةً، فَمَا هُوَ بِدَاخِلٍ عَلَيْنَا أَحَدٌ بِهَٰذِهِ الرَّضَاعَةِ، وَلَا رَائِينَا.

## Chapter 8. Breastfeeding Is Because Of Hunger (Meaning, During Infancy)

(المعجم ٨) - (بَابٌ إنما الرضاعة من المجاعة) (التحفة ٣٢)

**[3606] 32 - (1455)** It was narrated that Masrûq said: "Âishah said: The Messenger of Allâh ﷺ entered upon me and there was a man sitting in my house. He felt upset because of that and I saw signs of anger in his face. I said: "O Messenger of Allâh, he is my brother through breastfeeding." He said: "Consider who are your brothers through breastfeeding,[1] for breastfeeding is only through hunger."

[٣٦٠٦] **٣٢-(١٤٥٥) وَحَدَّثَنِي** هَنَّادُ ابْنُ السَّرِيِّ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ، عَنْ أَبِيهِ، عَنْ مَسْرُوقٍ قَالَ: قَالَتْ عَائِشَةُ: دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ وَعِنْدِي رَجُلٌ قَاعِدٌ، فَاشْتَدَّ ذٰلِكَ عَلَيْهِ، وَرَأَيْتُ الْغَضَبَ فِي وَجْهِهِ قَالَتْ: فَقُلْتُ: يَا رَسُولَ اللهِ! إِنَّهُ أَخِي مِنَ الرَّضَاعَةِ. قَالَتْ: فَقَالَ: «انْظُرْنَ إِخْوَتَكُنَّ مِنَ الرَّضَاعَةِ، فَإِنَّمَا الرَّضَاعَةُ مِنَ الْمَجَاعَةِ».

**[3607] (...)** A similar *Hadîth* (as no. 3606) was narrated from Ash'ath bin Abî Ash-Sha'thâ' with the chain of Abû Al-Ahwas.

[٣٦٠٧] (...) **وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي قَالَا جَمِيعًا: حَدَّثَنَا شُعْبَةُ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ، جَمِيعًا عَنْ سُفْيَانَ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا حُسَيْنٌ الْجُعْفِيُّ عَنْ زَائِدَةَ، كُلُّهُمْ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ بِإِسْنَادِ أَبِي الْأَحْوَصِ،

[1] Meaning, verify what really happened and whether the breastfeeding met the conditions such as there having been five full feedings within the first two years of life, etc.

كَمَعْنَىٰ حَدِيثِهِ، غَيْرَ أَنَّهُمْ قَالُوا «مِنَ الْمَجَاعَةِ».

## Chapter 9. It Is Permissible To Have Intercourse With A Female Captive After It Is Established That She Is Not Pregnant, And If She Has A Husband Then Her Marriage Is Annulled When She Is Captured

(المعجم ٩) - (بَابُ جواز وطئ المسبية بعد الاستبراء، وإن كان لها زوج انفسخ نكاحه بالسبي)

(التحفة ٣٣)

**[3608] 33 - (1456)** It was narrated from Abû Sa'eed Al-Khudrî that on the Day of Hunain, the Messenger of Allâh ﷺ sent an army to Awtâs, where they met the enemy, fought them and prevailed over them. They captured some female prisoners, and it was as if the Companions of the Messenger of Allâh ﷺ felt reluctant to have intercourse with them because of their idolator husbands. Then Allâh, the Mighty and Sublime, revealed: "Also (forbidden are) women already married, except those (slaves) whom your right hands possess",[1] meaning, they are permissible for you once their *'Iddah* has ended.

**[٣٦٠٨] ٣٣-(١٤٥٦)** وحَدَّثَنِي عُبَيْدُ اللهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ الْقَوَارِيرِيُّ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ، عَنْ صَالِحٍ، أَبِي الْخَلِيلِ، عَنْ أَبِي عَلْقَمَةَ الْهَاشِمِيِّ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ؛ أَنَّ رَسُولَ اللهِ ﷺ، يَوْمَ حُنَيْنٍ، بَعَثَ جَيْشًا إِلَىٰ أَوْطَاسٍ، فَلَقُوا عَدُوًّا، فَقَاتَلُوهُمْ، فَظَهَرُوا عَلَيْهِمْ، وَأَصَابُوا لَهُمْ سَبَايَا، فَكَأَنَّ نَاسًا مِنْ أَصْحَابِ رَسُولِ اللهِ ﷺ تَحَرَّجُوا مِنْ غِشْيَانِهِنَّ مِنْ أَجْلِ أَزْوَاجِهِنَّ مِنَ الْمُشْرِكِينَ، فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ فِي ذَٰلِكَ: ﴿وَٱلْمُحْصَنَٰتُ مِنَ ٱلنِّسَآءِ إِلَّا مَا مَلَكَتْ أَيْمَٰنُكُمْ﴾ [النساء: ٢٤]. أَيْ فَهُنَّ لَكُمْ حَلَالٌ إِذَا انْقَضَتْ عِدَّتُهُنَّ.

[1] *An-Nisâ'* 4:24.

**[3609] 34 - (...)** Abû Sa'eed Al-Khudrî narrated that on the Day of Hunain the Prophet of Allâh ﷺ sent out a party... a *Hadîth* like that of Yazîd bin Zuray', (no. 3608) except that he said: "Except those whom your right hands possess" for they are permissible for you. And he did not mention: "When their *'Iddah* is over."

**[٣٦٠٩] ٣٤-(...)** **وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ قَالُوا: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَبِي الْخَلِيلِ؛ أَنَّ أَبَا عَلْقَمَةَ الهَاشِمِيَّ حَدَّثَ؛ أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ حَدَّثَهُمْ أَنَّ نَبِيَّ اللهِ ﷺ بَعَثَ يَوْمَ حُنَيْنٍ سَرِيَّةً. بِمَعْنَىٰ حَدِيثِ يَزِيدَ بْنِ زُرَيْعٍ غَيْرَ أَنَّهُ قَالَ: إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ مِنْهُنَّ فَحَلَالٌ لَكُمْ، وَلَمْ يَذْكُرْ: إِذَا انْقَضَتْ عِدَّتُهُنَّ.

**[3610] (...)** A similar report (as no. 3609) was narrated from Qatâdah with this chain.

**[٣٦١٠] (...)** **وَحَدَّثَنِيهِ** يَحْيَى بْنُ حَبِيبٍ [الْحَارِثِيُّ]: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ بِهٰذَا الْإِسْنَادِ، نَحْوَهُ.

**[3611] 35 - (...)** It was narrated that Abû Sa'eed said: 'They captured some female prisoners on the Day of Awtâs, who had husbands, so they were worried, then this verse was revealed: "Also (forbidden are) women already married, except those (slaves) whom your right hands possess..."[1]

**[٣٦١١] ٣٥-(...)** **وَحَدَّثَنِيهِ** يَحْيَى ابْنُ حَبِيبٍ الْحَارِثِيُّ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ أَبِي الْخَلِيلِ، عَنْ أَبِي سَعِيدٍ قَالَ: أَصَابُوا سَبْيًا يَوْمَ أَوْطَاسٍ، لَهُنَّ أَزْوَاجٌ، فَتَخَوَّفُوا، فَأُنْزِلَتْ هٰذِهِ الْآيَةُ: ﴿وَٱلْمُحْصَنَٰتُ مِنَ ٱلنِّسَآءِ إِلَّا مَا مَلَكَتْ أَيْمَٰنُكُمْ﴾ [النساء: ٢٤].

**[3612] (...)** A similar report (as no. 3611) was narrated from Qatâdah with this chain.

**[٣٦١٢] (...)** **وحَدَّثَنِي** يَحْيَى بْنُ حَبِيبٍ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ:

[1] *An-Nisâ'* 4:24.

حَدَّثَنَا سَعِيدٌ، عَنْ قَتَادَةَ بِهَٰذَا الْإِسْنَادِ، نَحْوَهُ.

## Chapter 10. The Child Belongs To (The Owner Of) The Bed And Suspicion Must Be Avoided

(المعجم ١٠) - (بَابٌ الولد للفراش، وتوقي الشبهات) (التحفة ٣٤)

**[3613] 36 - (1457)** It was narrated that 'Âishah said: "Sa'd bin Abî Waqqâṣ and 'Abd bin Zam'ah disputed concerning a boy. Sa'd said: 'O Messenger of Allâh, this is the son of my brother, 'Utbah bin Abî Waqqâṣ, who stated to me that he is his child. See how he resembles him.' 'Abd bin Zam'ah said: 'This is my brother, O Messenger of Allâh, he was born on my father's bed of his slave woman.' The Messenger of Allâh ﷺ looked to see who he resembled, and he saw a clear resemblance to 'Utbah. But he said: 'He is yours, O 'Abd. The child is for the (owner of the) bed and the fornicator gets the *Ḥajar*.[1] Observe *Ḥijâb* from him, O Sawdah bint Zam'ah.'" She said: "And he never saw Sawdah." Muḥammad bin Rumḥ did not mention the words: "O 'Abd."

**[٣٦١٣] ٣٦-(١٤٥٧) حَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ؛ أَنَّهَا قَالَتْ: اخْتَصَمَ سَعْدُ بْنُ أَبِي وَقَّاصٍ وَعَبْدُ بْنُ زَمْعَةَ فِي غُلَامٍ، فَقَالَ سَعْدٌ: هَٰذَا، يَا رَسُولَ اللهِ! ابْنُ أَخِي، عُتْبَةَ بْنِ أَبِي وَقَّاصٍ، عَهِدَ إِلَيَّ أَنَّهُ ابْنُهُ، انْظُرْ إِلَىٰ شَبَهِهِ. وَقَالَ عَبْدُ بْنُ زَمْعَةَ: هَٰذَا أَخِي، يَا رَسُولَ اللهِ! وُلِدَ عَلَىٰ فِرَاشِ أَبِي، مِنْ وَلِيدَتِهِ، فَنَظَرَ رَسُولُ اللهِ إِلَىٰ شَبَهِهِ، فَرَأَىٰ شَبَهًا بَيِّنًا بِعُتْبَةَ، فَقَالَ: «هُوَ لَكَ يَا عَبْدُ! الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ، وَاحْتَجِبِي مِنْهُ يَا سَوْدَةُ بِنْتَ زَمْعَةَ». قَالَتْ: فَلَمْ يَرَ سَوْدَةَ قَطُّ، وَلَمْ يَذْكُرْ مُحَمَّدُ بْنُ رُمْحٍ قَوْلَهُ «يا عَبْدُ».

**[3614] (...)** A similar report (as no. 3613) was narrated from Az-Zuhrî with this chain, except that Ma'mar and Ibn 'Uyaynah said in their *Ḥadîth*: "The child is for the

**[٣٦١٤] (...) حَدَّثَنَا** سَعِيدُ بْنُ مَنْصُورٍ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ؛

[1] "The stone" and they say that its meaning is "nothing."

(owner of the) bed," and they did not mention "and the fornicator gets the *Hajar*."

وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كِلَاهُمَا عَنِ الزُّهْرِيِّ، بِهٰذَا الْإِسْنَادِ، نَحْوَهُ. غَيْرَ أَنَّ مَعْمَرًا وَابْنَ عُيَيْنَةَ، فِي حَدِيثِهِمَا «الْوَلَدُ لِلْفِرَاشِ» وَلَمْ يَذْكُرَا «لِلْعَاهِرِ الْحَجَرُ».

**[3615] 37 - (1458)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "The child is for the (owner of the) bed and the fornicator gets the *Hajar*."

**[٣٦١٥] ٣٧-(١٤٥٨) وحَدَّثني** مُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ - قَالَ ابْنُ رَافِعٍ: حَدَّثَنَا - عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنِ ابْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ».

**[3616] (...)** A *Hadîth* like that of Ma'mar (no. 3615) was narrated from Abû Hurairah from the Prophet ﷺ.

**[٣٦١٦] (...) وحَدَّثَنَا** سَعِيدُ بْنُ مَنْصُورٍ، وَزُهَيْرُ بْنُ حَرْبٍ؛ وَعَبْدُ الْأَعْلَى ابْنُ حَمَّادٍ، وَعَمْرٌو النَّاقِدُ قَالُوا: أَخْبَرَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ- أَمَّا ابْنُ مَنْصُورٍ فَقَالَ: عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ. وَأَمَّا عَبْدُ الْأَعْلَىٰ فَقَالَ: عَنْ أَبِي سَلَمَةَ، أَوْ عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ. وَقَالَ زُهَيْرٌ: عَنْ سَعِيدٍ أَوْ عَنْ أَبِي سَلَمَةَ. أَحَدُهُمَا أَوْ كِلَاهُمَا، عَنْ أَبِي هُرَيْرَةَ. وَقَالَ عَمْرٌو: حَدَّثَنَا سُفْيَانُ مَرَّةً، عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ وَأَبِي سَلَمَةَ. وَمَرَّةً عَنْ سَعِيدٍ أَوْ أَبِي سَلَمَةَ. وَمَرَّةً عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ مَعْمَرٍ.

## Chapter 11. Detecting Relationships From Physical Features

**[3617] 38 - (1459)** It was narrated from 'Âi<u>sh</u>ah that she said: "The Messenger of Allâh ﷺ entered upon me one day happily, with his face shining. He said: 'Did you not see that Mujazziz looked at Zaid bin Ḥâri<u>th</u>ah and Usâmah bin Zaid just now, and he said: These feet belong to one another.'"

**[3618] 39 - (...)** It was narrated that 'Âi<u>sh</u>ah said: "The Messenger of Allâh ﷺ entered upon me happy one day and said: 'O 'Âi<u>sh</u>ah, did you not see that Mujazziz Al-Mudlaji entered upon me and he saw Usâmah and Zaid with a piece of velvet cloth over them that was covering their heads, but their feet were showing, and he said: These feet belong to one another.'"

**[3619] 40 - (...)** It was narrated that 'Âi<u>sh</u>ah said: "A *Qâ'if* (one who detects family resemblance) entered when the Messenger of Allâh ﷺ was present, and Usâmah bin Zaid and Zaid bin

## (المعجم ١١) - (بَابُ العمل بإلحاق القائف الولد) (التحفة ٣٥)

**[٣٦١٧] ٣٨-(١٤٥٩) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ وَمُحَمَّدُ بْنُ رُمْحٍ قَالَا أَخْبَرَنَا اللَّيْثُ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ؛ أَنَّهَا قَالَتْ: إِنَّ رَسُولَ اللهِ ﷺ دَخَلَ عَلَيَّ مَسْرُورًا، تَبْرُقُ أَسَارِيرُ وَجْهِهِ. فَقَالَ: «أَلَمْ تَرَيْ أَنَّ مُجَزِّزًا نَظَرَ آنِفًا إِلَىٰ زَيْدِ بْنِ حَارِثَةَ وَأُسَامَةَ بْنِ زَيْدٍ. فَقَالَ: إِنَّ بَعْضَ هَٰذِهِ الْأَقْدَامِ لَمِنْ بَعْضٍ».

**[٣٦١٨] ٣٩-(...) وحَدَّثَنِي** عَمْرٌو النَّاقِدُ وَزُهَيْرُ بْنُ حَرْبٍ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: - وَاللَّفْظُ لِعَمْرٍو - قَالُوا: حَدَّثَنَا سُفْيَانُ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ ذَاتَ يَوْمٍ مَسْرُورًا. فَقَالَ: «يَا عَائِشَةُ! أَلَمْ تَرَيْ أَنَّ مُجَزِّزًا الْمُدْلِجِيَّ دَخَلَ عَلَيَّ، فَرَأَىٰ أُسَامَةَ وَزَيْدًا وَعَلَيْهِمَا قَطِيفَةٌ قَدْ غَطَّيَا رُءُوسَهُمَا، وَبَدَتْ أَقْدَامُهُمَا. فَقَالَ: إِنَّ هَٰذِهِ الْأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ».

**[٣٦١٩] ٤٠-(...) وحَدَّثَنَاه** مَنْصُورُ بْنُ أَبِي مُزَاحِمٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: دَخَلَ قَائِفٌ وَرَسُولُ اللهِ ﷺ

Ḥârithah were lying down. He said: 'These feet belong to one another.' The Prophet ﷺ was pleased by this and liked it, and he told 'Âishah about it."

شَاهِدٌ، وَأُسَامَةُ بْنُ زَيْدٍ وَزَيْدُ بْنُ حَارِثَةَ مُضْطَجِعَانِ. فَقَالَ: إِنَّ هٰذِهِ الْأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ، فَسُرَّ بِذَلِكَ النَّبِيُّ ﷺ وَأَعْجَبَهُ، وَأَخْبَرَ بِهِ عَائِشَةَ.

**[3620]** **(...)** A similar *Ḥadîth* (as no. 3619) was narrated from Az-Zuhrî with this chain, and in the *Ḥadîth* of Yûnus it adds: "And Mujazziz was a *Qâ'if*."

**[٣٦٢٠]** (...) **وحَدَّثني** حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ وَابْنُ جُرَيْجٍ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ، بِمَعْنَىٰ حَدِيثِهِمْ. وَزَادَ فِي حَدِيثِ يُونُسَ: وَكَانَ مُجَزِّزٌ قَائِفًا.

## Chapter 12. How Long A Virgin And A Previously-Married Woman Are Entitled To Have The Husband Stay With Them After Marriage

## (المعجم ١٢) - (بَابُ قدر ما تستحقه البكر والثيب من إقامة الزوج عندها عقب الزفاف) (التحفة ٣٦)

**[3621] 41 - (1460)** It was narrated from Umm Salamah that when the Messenger of Allâh ﷺ married Umm Salamah, he stayed with her for three days, and he said: "There is no lack of esteem on the part of your husband towards you. If you wish, I will stay with you for seven days, but if I stay with you for seven days, then I will have to stay with each of my wives for seven days."

**[٣٦٢١] ٤١-(١٤٦٠) حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ حَاتِمٍ وَيَعْقُوبُ بْنُ إِبْرَاهِيمَ- وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالُوا: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ سُفْيَانَ، عَنْ مُحَمَّدِ بْنِ أَبِي بَكْرٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَٰنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أَبِيهِ، عَنْ أُمِّ سَلَمَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ لَمَّا تَزَوَّجَ أُمَّ سَلَمَةَ أَقَامَ عِنْدَهَا ثَلَاثًا، وَقَالَ: «إِنَّهُ لَيْسَ بِكِ عَلَىٰ أَهْلِكِ هَوَانٌ، إِنْ شِئْتِ سَبَّعْتُ لَكِ، وَإِنْ سَبَّعْتُ لَكِ سَبَّعْتُ لِنِسَائِي».

**[3622] 42 - (...)** It was narrated from Abû Bakr bin 'Abdur-Raḥmân that when the Messenger of Allâh ﷺ married Umm Salamah, the following morning he said to her: "There is no lack of esteem on the part of your husband towards you. If you wish, I will stay with you for seven days, or if you wish I will stay with you for three, then I will visit (each of you) in turn." She said: "Make it three."

**[٣٦٢٢] ٤٢-(. . .)** **وَحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرٍ عَنْ أَبِي بَكْرِ ابْنِ عَبْدِ الرَّحْمٰنِ؛ أَنَّ رَسُولَ اللهِ ﷺ حِينَ تَزَوَّجَ أُمَّ سَلَمَةَ، وَأَصْبَحَتْ عِنْدَهُ فَقَالَ لَهَا: «لَيْسَ بِكِ عَلَىٰ أَهْلِكِ هَوَانٌ، إِنْ شِئْتِ سَبَّعْتُ عِنْدَكِ، وَإِنْ شِئْتِ ثَلَّثْتُ ثُمَّ دُرْتُ» قَالَتْ: ثَلِّثْ.

**[3623] (...)** It was narrated from Abû Bakr bin 'Abdur-Raḥmân that when the Messenger of Allâh ﷺ married Umm Salamah, he went to stay with her, then he wanted to leave and she took hold of his garment. The Messenger of Allâh ﷺ said: "If you wish, I will stay longer and count it. For a virgin seven days, and for a previously-married woman, three."

**[٣٦٢٣] (. . .)** **حَدَّثَنَا** عَبْدُ اللهِ بْنُ مَسْلَمَةَ [الْقَعْنَبِيُّ]: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ، عَنْ عَبْدِ الرَّحْمٰنِ بْنِ حُمَيْدٍ، عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمٰنِ؛ أَنَّ رَسُولَ اللهِ ﷺ حِينَ تَزَوَّجَ أُمَّ سَلَمَةَ فَدَخَلَ عَلَيْهَا، فَأَرَادَ أَنْ يَخْرُجَ أَخَذَتْ بِثَوْبِهِ. فَقَالَ رَسُولُ اللهِ ﷺ: «إِنْ شِئْتِ زِدْتُكِ وَحَاسَبْتُكِ بِهِ، لِلْبِكْرِ سَبْعٌ وَلِلثَّيِّبِ ثَلَاثٌ».

**[3624] (...)** A similar report (as no. 3623) was narrated from 'Abdur-Raḥmân bin Ḥumaid with this chain.

**[٣٦٢٤] (. . .)** **وحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا أَبُو ضَمْرَةَ عَنْ عَبْدِ الرَّحْمٰنِ بْنِ حُمَيْدٍ، بِهٰذَا الْإِسْنَادِ، مِثْلَهُ.

**[3625] 43 - (...)** It was narrated from Abû Bakr bin 'Abdur-Raḥmân bin Al-Ḥârith bin Hishâm, from Umm Salamah. He (ﷺ) said that the Messenger of Allâh ﷺ married her, and he mentioned some things, including this: He said: "If you wish, I will stay with

**[٣٦٢٥] ٤٣-(. . .)** **حَدَّثَنِي** أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا حَفْصٌ يَعْنِي ابْنَ غِيَاثٍ، عَنْ عَبْدِ الْوَاحِدِ بْنِ أَيْمَنَ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمٰنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ أُمِّ سَلَمَةَ؛ ذَكَرَ أَنَّ رَسُولَ

you (to Umm Salamah) for seven days, and then spend seven days with each of my wives, for if I spend seven days with you I will spend seven days with each of my wives."

اللهِ ﷺ تَزَوَّجَهَا، وَذَكَرَ أَشْيَاءَ، هٰذَا فِيهِ. قَالَ «إِنْ شِئْتِ أَنْ أُسَبِّعَ لَكِ وَأُسَبِّعَ لِنِسَائِي، وَإِنْ سَبَّعْتُ لَكِ سَبَّعْتُ لِنِسَائِي».

**[3626] 44 - (1461)** It was narrated that Anas bin Mâlik said: "If (a man) marries a virgin in addition to a previously-married woman, he should stay with her for seven days, and if he marries a previously-married woman in addition to a virgin, he should stay with her for three." Khâlid (a narrator) said: "If I were to say that he attributed it to the Prophet ﷺ I would be speaking the truth, but he said: 'That is the *Sunnah*.'"

**[٣٦٢٦] ٤٤-(١٤٦١) حَدَّثَنَا يَحْيَى** ابْنُ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمٌ عَنْ خَالِدٍ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسٍ [بْنِ مَالِكٍ] قَالَ: إِذَا تَزَوَّجَ الْبِكْرَ عَلَى الثَّيِّبِ أَقَامَ عِنْدَهَا سَبْعًا، وَإِذَا تَزَوَّجَ الثَّيِّبَ عَلَى الْبِكْرِ أَقَامَ عِنْدَهَا ثَلَاثًا. قَالَ خَالِدٌ: وَلَوْ قُلْتُ: إِنَّهُ رَفَعَهُ لَصَدَقْتُ، وَلٰكِنَّهُ قَالَ: السُّنَّةُ كَذٰلِكَ.

**[3627] 45 - (...)** It was narrated that Anas said: "It is *Sunnah* to stay with a virgin for seven days."
Khâlid (a narrator) said: "If you wish, I will say that he attributed it to the Prophet ﷺ."

**[٣٦٢٧] ٤٥-(...) وحَدَّثَنِي مُحَمَّدُ** ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا سُفْيَانُ عَنْ أَيُّوبَ وَخَالِدٍ الْحَذَّاءِ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسٍ قَالَ: مِنَ السُّنَّةِ أَنْ يُقِيمَ عِنْدَ الْبِكْرِ سَبْعًا.

قَالَ خَالِدٌ: وَلَوْ شِئْتُ قُلْتُ: رَفَعَهُ إِلَى النَّبِيِّ ﷺ.

## Chapter 13. Dividing One's Time Among Wives; The *Sunnah* Is For Each One To Have One Night And One Day

(المعجم ١٣) - **(بَابُ القسم بين الزوجات، وبيان أن السنة أن تكون لكل واحدة ليلة مع يومها)** (التحفة ٣٧)

**[3628] 46 - (1462)** It was narrated that Anas said: "The Prophet ﷺ had nine wives, and when he divided his time among

**[٣٦٢٨] ٤٦-(١٤٦٢) حَدَّثَنَا أَبُو بَكْرِ** بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا شَبَابَةُ بْنُ سَوَّارٍ: حَدَّثَنَا

سُلَيْمَانُ بْنُ الْمُغِيرَةِ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: كَانَ لِلنَّبِيِّ ﷺ تِسْعُ نِسْوَةٍ، فَكَانَ إِذَا قَسَمَ بَيْنَهُنَّ لَا يَنْتَهِي إِلَى الْمَرْأَةِ الْأُولَىٰ إِلَّا فِي تِسْعٍ، فَكُنَّ يَجْتَمِعْنَ كُلَّ لَيْلَةٍ فِي بَيْتِ الَّتِي يَأْتِيهَا، فَكَانَ فِي بَيْتِ عَائِشَةَ، فَجَاءَتْ زَيْنَبُ، فَمَدَّ يَدَهُ إِلَيْهَا، فَقَالَتْ: هٰذِهِ زَيْنَبُ، فَكَفَّ النَّبِيُّ ﷺ يَدَهُ، فَتَقَاوَلَتَا حَتَّىٰ اسْتَخَبَتَا، وَأُقِيمَتِ الصَّلَاةُ، فَمَرَّ أَبُو بَكْرٍ عَلَىٰ ذٰلِكَ، فَسَمِعَ أَصْوَاتَهُمَا، فَقَالَ: اخْرُجْ، يَا رَسُولَ اللهِ! إِلَىٰ الصَّلَاةِ، وَاحْثُ فِي أَفْوَاهِهِنَّ التُّرَابَ. فَخَرَجَ النَّبِيُّ ﷺ فَقَالَتْ عَائِشَةُ: الْآنَ يَقْضِي النَّبِيُّ ﷺ صَلَاتَهُ فَيَجِيءُ أَبُو بَكْرٍ فَيَفْعَلُ لِي وَيَفْعَلُ، فَلَمَّا قَضَى النَّبِيُّ ﷺ صَلَاتَهُ أَتَاهَا أَبُو بَكْرٍ، فَقَالَ لَهَا قَوْلًا شَدِيدًا، وَقَالَ: أَتَصْنَعِينَ هٰذَا؟.

them, he did not come back to the first one until the ninth day. Every night they used to gather in the house of the one whose night it was. He was in 'Âishah's house, and Zainab came and he reached out his hand towards her. 'Âishah said: 'This is Zainab, and the Prophet ﷺ withdrew his hand.' They argued and raised their voices, and the *Iqâmah* was called for prayer. Abû Bakr came past at that point and heard their voices, so he said: 'Come out for the prayer, O Messenger of Allâh ﷺ, and throw dust in their mouths.' The Prophet ﷺ came out, and 'Âishah said: 'Now the Prophet ﷺ will finish his prayer and come, and Abû Bakr will come and do such-and-such to me.' When the Prophet ﷺ had finished his prayer, Abû Bakr came to her and spoke sternly to her, and said: 'Do you behave like this?'"

## (المعجم ١٤) - (بَابُ جواز هبتها نوبتها لضرتها) (التحفة ٣٨)

## Chapter 14. It Is Permissible For A Wife To Give Her Turn To A Co-Wife

[٣٦٢٩] ٤٧-(١٤٦٣) حَدَّثَنَا زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا جَرِيرٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: مَا رَأَيْتُ امْرَأَةً أَحَبَّ إِلَيَّ أَنْ أَكُونَ فِي مِسْلَاخِهَا مِنْ سَوْدَةَ بِنْتِ زَمْعَةَ، مِنِ امْرَأَةٍ فِيهَا حِدَّةٌ، قَالَتْ: فَلَمَّا كَبِرَتْ جَعَلَتْ

**[3629] 47 - (1463)** It was narrated that 'Âishah said: "I never saw a woman whose position I wished I could be in more than Sawdah bint Zam'ah, a woman of strong character." When she grew old, she gave her day with the Messenger of Allâh ﷺ to 'Âishah. She said: "O Messenger of Allâh, I

have given my day with you to 'Âishah." So the Messenger of Allâh ﷺ gave 'Âishah two days, her day, and Sawdah's day.

يَوْمَهَا مِنْ رَسُولِ اللهِ ﷺ لِعَائِشَةَ، قَالَتْ: يَا رَسُولَ اللهِ! قَدْ جَعَلْتُ يَوْمِي مِنْكَ لِعَائِشَةَ، فَكَانَ رَسُولُ اللهِ ﷺ يَقْسِمُ لِعَائِشَةَ يَوْمَيْنِ: يَوْمَهَا، وَيَوْمَ سَوْدَةَ.

**[3630] 48 - (...)** It was narrated from Hishâm with this chain, that when Sawdah grew old... a *Hadîth* like that of Jarîr (no. 3629). In the *Hadîth* of Sharîk it adds: "She was the first woman whom he married after me."

**[٣٦٣٠] ٤٨-(. . .) وَحَدَّثَنَاهُ** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عُقْبَةُ بْنُ خَالِدٍ؛ وَحَدَّثَنَا عَمْرٌو النَّاقِدُ: حَدَّثَنَا الْأَسْوَدُ بْنُ عَامِرٍ: حَدَّثَنَا زُهَيْرٌ؛ وَحَدَّثَنَا مُجَاهِدُ بْنُ مُوسَىٰ: حَدَّثَنَا يُونُسُ بْنُ مُحَمَّدٍ: حَدَّثَنَا شَرِيكٌ، كُلُّهُمْ، عَنْ هِشَامٍ، بِهَٰذَا الْإِسْنَادِ؛ أَنَّ سَوْدَةَ لَمَّا كَبِرَتْ، بِمَعْنَىٰ حَدِيثِ جَرِيرٍ، وَزَادَ فِي حَدِيثِ شَرِيكٍ قَالَتْ: وَكَانَتْ أَوَّلَ امْرَأَةٍ تَزَوَّجَهَا بَعْدِي.

**[3631] 49 - (1464)** It was narrated that 'Âishah said: "I used to feel jealous of the women who offered themselves (in marriage) to the Messenger of Allâh ﷺ, and I would say: 'Would a woman offer herself?' When Allâh, the Most High, revealed the words: "You can postpone (the turn of) whom you will of them (your wives), and you may receive whom you will. And whomsoever you desire of those whom you have set aside (her turn temporarily), ...,[1] I said: 'By Allâh, I see that your

**[٣٦٣١] ٤٩-(١٤٦٤) وَحَدَّثَنَا** أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كُنْتُ أَغَارُ عَلَى اللَّاتِي وَهَبْنَ أَنْفُسَهُنَّ لِرَسُولِ اللهِ ﷺ. وَأَقُولُ: أَوَتَهَبُ الْمَرْأَةُ نَفْسَهَا؟ فَلَمَّا أَنْزَلَ اللهُ تَعَالَىٰ: ﴿تُرْجِي مَن تَشَآءُ مِنْهُنَّ وَتُـْٔوِيٓ إِلَيْكَ مَن تَشَآءُ وَمَنِ ٱبْتَغَيْتَ مِمَّنْ عَزَلْتَ﴾ [الأحزاب: ٥١] قَالَتْ قُلْتُ: وَاللهِ! مَا أَرَىٰ رَبَّكَ إِلَّا يُسَارِعُ لَكَ فِي هَوَاكَ.

[1] *Al-Ahzâb* 33:51.

Lord is quick to respond to your wishes.'"

**[3632] 50 - (...)** It was narrated from 'Âishah that she used to say: "Wouldn't a woman feel too shy to offer herself to a man?" Until Allâh [the Mighty and Sublime] revealed: "You can postpone (the turn of) whom you will of them (your wives), and you may receive whom you will"[1] Then she said: "Your Lord is quick to respond to your wishes.'"

[٣٦٣٢] **٥٠-(...) وحَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ، عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّهَا كَانَتْ تَقُولُ: أَمَا تَسْتَحْيِي امْرَأَةٌ تَهَبُ نَفْسَهَا لِرَجُلٍ؟ حَتَّى أَنْزَلَ اللهُ [عَزَّ وَجَلَّ]: ﴿تُرْجِى مَن تَشَآءُ مِنْهُنَّ وَتُـْٔوِىٓ إِلَيْكَ مَن تَشَآءُ﴾ [الأحزاب: ٥١] فَقُلْتُ: إِنَّ رَبَّكَ لَيُسَارِعُ لَكَ فِي هَوَاكَ.

**[3633] 51 - (1465)** 'Atâ' said: "We attended the funeral of Maimûnah, the wife of the Prophet ﷺ, in Sarif with Ibn 'Abbâs. Ibn 'Abbâs said: 'This is the wife of the Prophet ﷺ, so when you lift her, do not shake her nor disturb her; be gentle with her. The Messenger of Allâh ﷺ had nine wives, and he used to divide his time between eight of them, and he did not allot a share of his time to one of them. The one to whom he did not allot a share of his time was Ṣafiyyah bint Ḥuyayy bin Akhṭab.'"

[٣٦٣٣] **٥١-(١٤٦٥) حَدَّثَنَا** إِسْحٰقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ حَاتِمٍ،- قَالَ مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا - مُحَمَّدُ بْنُ بَكْرٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي عَطَاءٌ قَالَ: حَضَرْنَا، مَعَ ابْنِ عَبَّاسٍ، جَنَازَةَ مَيْمُونَةَ، زَوْجِ النَّبِيِّ ﷺ، بِسَرِفَ. فَقَالَ ابْنُ عَبَّاسٍ: هٰذِهِ زَوْجُ النَّبِيِّ ﷺ فَإِذَا رَفَعْتُمْ نَعْشَهَا فَلَا تُزَعْزِعُوا، وَلَا تُزَلْزِلُوا، وَارْفُقُوا، فَإِنَّهُ كَانَ عِنْدَ رَسُولِ اللهِ ﷺ تِسْعٌ، فَكَانَ يَقْسِمُ لِثَمَانٍ وَلَا يَقْسِمُ لِوَاحِدَةٍ. قَالَ عَطَاءٌ: الَّتِي لَا يَقْسِمُ لَهَا صَفِيَّةُ بِنْتُ حُيَيِّ بْنِ أَخْطَبَ.

**[3634] 52 - (...)** It was narrated from Ibn Juraij with this chain (a *Ḥadîth* similar to no. 3633), and

[٣٦٣٤] **٥٢-(...) حَدَّثَنَا** مُحَمَّدُ ابْنُ رَافِعٍ وعَبْدُ بْنُ حُمَيْدٍ، جَمِيعًا، عَنْ

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[1] *Al-Aḥzâb* 33:51.

he added: 'Aṭâ' said: "...She was the last of them to die, and she died in Al-Madînah."

عَبْدِ الرَّزَّاقِ، عَنِ ابْنِ جُرَيْجٍ، بِهٰذَا الْإِسْنَادِ. وَزَادَ: قَالَ عَطَاءٌ: كَانَتْ آخِرُهُنَّ مَوْتًا. مَاتَتْ بِالْمَدِينَةِ.

## Chapter 15. It Is Recommended To Marry One Who Is Religiously Committed

(المعجم ١٥) - (بَابُ استحباب نكاح ذات الدين) (التحفة ٣٩)

**[3635] 53 - (1466)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Women are married for four things: Their wealth, their lineage, their beauty and their religion. Choose the one with religion, may your hands be rubbed with dust."[1]

**[٣٦٣٥] ٥٣-(١٤٦٦)** حَدَّثَنَا زُهَيْرُ ابْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّى وَعُبَيْدُ اللهِ ابْنُ سَعِيدٍ قَالُوا: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عُبَيْدِ اللهِ: أَخْبَرَنِي سَعِيدُ بْنُ أَبِي سَعِيدٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ: لِمَالِهَا، وَلِحَسَبِهَا، وَلِجَمَالِهَا، وَلِدِينِهَا فَاظْفَرْ بِذَاتِ الدِّينِ تَرِبَتْ يَدَاكَ».

**[3636] 54 - (715)** Jâbir bin 'Abdullâh said: "I married a woman at the time of the Messenger of Allâh ﷺ, and I met the Prophet ﷺ and he said: 'O Jâbir, have you gotten married?' I said: 'Yes.' He said: 'A virgin or a previously-married woman?' I said: 'A previously-married woman.' He said: 'Why not a virgin so you could play with her?' I said: 'O Messenger of Allâh, I have sisters, and I was afraid that she might cause trouble between myself and them.' He said: 'That's fine then. A woman is

**[٣٦٣٦] ٥٤-(٧١٥)** وحَدَّثَنَا مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ أَبِي سُلَيْمَانَ عَنْ عَطَاءٍ: أَخْبَرَنِي جَابِرُ بْنُ عَبْدِ اللهِ قَالَ: تَزَوَّجْتُ امْرَأَةً فِي عَهْدِ رَسُولِ اللهِ ﷺ، فَلَقِيتُ النَّبِيَّ ﷺ فَقَالَ: «يَا جَابِرُ! تَزَوَّجْتَ؟» قُلْتُ: نَعَمْ. قَالَ: «بِكْرٌ أَمْ ثَيِّبٌ؟» قُلْتُ: ثَيِّبٌ، قَالَ: «فَهَلَّا بِكْرًا تُلَاعِبُهَا؟» قُلْتُ: يَا رَسُولَ اللهِ! إِنَّ لِي أَخَوَاتٍ، فَخَشِيتُ

[1] Meaning, may you prosper.

married for her religion, her wealth or her beauty. Choose the one with religion, may your hands be rubbed with dust.'"

أَنْ تَدْخُلَ بَيْنِي وَبَيْنَهُنَّ، قَالَ: «فَذَاكَ إِذًا، إِنَّ الْمَرْأَةَ تُنْكَحُ عَلَىٰ دِينِهَا، وَمَالِهَا، وَجَمَالِهَا، فَعَلَيْكَ بِذَاتِ الدِّينِ تَرِبَتْ يَدَاكَ». [راجع: ١٦٥٦]

## Chapter 16. It Is Recommended To Marry Virgins

## (المعجم ١٦) - (بَابُ استحباب نكاح البكر) (التحفة ٤٠)

**[3637] 55** - (...) It was narrated that Jâbir bin 'Abdullâh said: "I married a woman and the Messenger of Allâh ﷺ said to me: 'Have you gotten married?' I said: 'Yes.' He said: 'A virgin or a previously-married woman?' I said: 'A previously-married woman.' He said: 'What about virgins and playing with them?'"

Shu'bah said: "I mentioned this to 'Amr bin Dînâr and he said: 'I heard it from Jâbir, but he said: "Why not a young virgin, so you could play with her and she could play with you?"

**[٣٦٣٧] ٥٥**-(...) حَدَّثَنَا عُبَيْدُ اللهِ ابْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ مُحَارِبٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: تَزَوَّجْتُ امْرَأَةً، فَقَالَ لِي رَسُولُ اللهِ ﷺ «هَلْ تَزَوَّجْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «أَبِكْرًا أَمْ ثَيِّبًا؟» قُلْتُ: ثَيِّبًا، قَالَ: «فَأَيْنَ أَنْتَ مِنَ الْعَذَارَىٰ وَلِعَابِهَا؟».

قَالَ شُعْبَةُ: فَذَكَرْتُهُ لِعَمْرِو بْنِ دِينَارٍ، فَقَالَ: قَدْ سَمِعْتُهُ مِنْ جَابِرٍ، وَإِنَّمَا قَالَ: «فَهَلَّا جَارِيَةً تُلَاعِبُهَا وَتُلَاعِبُكَ؟».

[راجع: ١٦٥٦، ٣٦٣٦]

**[3638] 56** - (...) It was narrated from Jâbir bin 'Abdullâh, that 'Abdullâh (his father) died and left behind nine - or seven - daughters, and I married a previously-married woman. The Messenger of Allâh ﷺ said to me: "O Jâbir, have you gotten married?" I said: "Yes." He said: "A virgin or a previously-married woman?" I said: "A previously-

**[٣٦٣٨] ٥٦**-(...) حَدَّثَنَا يَحْيَىٰ ابْنُ يَحْيَىٰ وأَبُو الرَّبِيعِ الزَّهْرَانِيُّ - قَالَ يَحْيَىٰ: أَخْبَرَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ عَمْرِو ابْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ؛ أَنَّ عَبْدَ اللهِ هَلَكَ وَتَرَكَ تِسْعَ بَنَاتٍ - أَوْ قَالَ سَبْعَ - فَتَزَوَّجْتُ امْرَأَةً ثَيِّبًا، فَقَالَ لِي رَسُولُ اللهِ ﷺ «يَا جَابِرُ! تَزَوَّجْتَ؟»:

married woman, O Messenger of Allâh." He said: "Why not a young virgin whom you could play with, and she could play with you?" - or he said: "Whom you could make laugh, and she could make you laugh?" - I said to him: "'Abdullâh died and left behind nine - or seven - daughters, and I did not like to bring to them one who was like them. I wanted to bring a woman who could look after them and take care of them." He said: "Then may Allâh bless you," or he said good words to me.

قَالَ قُلْتُ: نَعَمْ، قَالَ: «فَبِكْرٌ أَمْ ثَيِّبٌ؟» قَالَ قُلْتُ: بَلْ ثَيِّبٌ، يَا رَسُولَ اللهِ! قَالَ: «فَهَلَّا جَارِيَةً تُلَاعِبُهَا وَتُلَاعِبُكَ» - أَوْ قَالَ: «تُضَاحِكُهَا وَتُضَاحِكُكَ»- قَالَ: قُلْتُ لَهُ: إِنَّ عَبْدَ اللهِ هَلَكَ وَتَرَكَ تِسْعَ بَنَاتٍ - أَوْ سَبْعَ - وَإِنِّي كَرِهْتُ أَنْ آتِيَهُنَّ أَوْ أَجِيئَهُنَّ بِمِثْلِهِنَّ، فَأَحْبَبْتُ أَنْ أَجِيءَ بِامْرَأَةٍ تَقُومُ عَلَيْهِنَّ وَتُصْلِحُهُنَّ. قَالَ: «فَبَارَكَ اللهُ لَكَ» أَوْ قَالَ لِي خَيْرًا.

وَفِي رِوَايَةِ أَبِي الرَّبِيعِ «تُلَاعِبُهَا وَتُلَاعِبُكَ وَتُضَاحِكُهَا وَتُضَاحِكُكَ».

[راجع: ١٦٥٦، ٣٦٣٦، ٣٦٣٧]

**[3639] (...)** It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ said to me: 'Did you get married, O Jâbir?'"... and he quoted the *Hadîth* (similar to no. 3638) as far as the words: "A woman who would look after them and comb their hair." He said: "You have done well," and he did not mention the words that come after that.

**[٣٦٣٩] (...) وحدّثنا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ، قَالَ: قَالَ لِي رَسُولُ اللهِ ﷺ: «هَلْ نَكَحْتَ يَا جَابِرُ؟» وَسَاقَ الْحَدِيثَ إِلَىٰ قَوْلِهِ: امْرَأَةً تَقُومُ عَلَيْهِنَّ وَتَمْشُطُهُنَّ. قَالَ: «أَصَبْتَ» وَلَمْ يَذْكُرْ مَا بَعْدَهُ. [راجع: ١٦٥٦، ٣٦٣٦]

**[3640] 57 - (...)** It was narrated that Jâbir bin 'Abdullâh said: "We were with the Messenger of Allâh ﷺ on a campaign, and when we were heading back I urged my camel on because it was slow. A rider behind me caught up with me and prodded

**[٣٦٤٠] ٥٧-(...) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمٌ عَنْ سَيَّارٍ، عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: كُنَّا مَعَ رَسُولِ اللهِ ﷺ فِي غَزَاةٍ، فَلَمَّا أَقْبَلْنَا تَعَجَّلْتُ عَلَىٰ بَعِيرٍ لِي قَطُوفٍ، فَلَحِقَنِي

رَاكِبٌ خَلْفِي، فَنَخَسَ بَعِيرِي بِعَنَزَةٍ كَانَتْ مَعَهُ، فَانْطَلَقَ بَعِيرِي كَأَجْوَدِ مَا أَنْتَ رَاءٍ مِنَ الْإِبِلِ، فَالْتَفَتُّ فَإِذَا أَنَا بِرَسُولِ اللهِ ﷺ، فَقَالَ «مَا يُعْجِلُكَ يَا جَابِرُ؟» قُلْتُ: يَا رَسُولَ اللهِ! إِنِّي حَدِيثُ عَهْدٍ بِعُرْسٍ. فَقَالَ: «أَبِكْرًا تَزَوَّجْتَهَا أَمْ ثَيِّبًا؟» قَالَ: قُلْتُ: بَلْ ثَيِّبًا. قَالَ: «هَلَّا جَارِيَةً تُلَاعِبُهَا وَتُلَاعِبُكَ؟».

قَالَ: فَلَمَّا قَدِمْنَا الْمَدِينَةَ ذَهَبْنَا لِنَدْخُلَ. فَقَالَ: «أَمْهِلُوا حَتَّىٰ نَدْخُلَ لَيْلًا - أَيْ عِشَاءً - كَيْ تَمْتَشِطَ الشَّعِثَةُ وَتَسْتَحِدَّ الْمُغِيبَةُ». قَالَ: وَقَالَ: «إِذَا قَدِمْتَ فَالْكَيْسَ! الْكَيْسَ!». [راجع: ١٦٥٦، ٣٦٣٦]

[٣٦٤١] (...) وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْوَهَّابِ يَعْنِي ابْنَ عَبْدِ الْمَجِيدِ الثَّقَفِيَّ قَالَ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ وَهْبِ بْنِ كَيْسَانَ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: خَرَجْتُ مَعَ رَسُولِ اللهِ ﷺ فِي غَزَاةٍ. فَأَبْطَأَ بِي جَمَلِي، فَأَتَىٰ عَلَيَّ رَسُولُ اللهِ ﷺ فَقَالَ لِي: «يَا جَابِرُ»

my camel with an *'Anazah*[1] that he had with him, and my camel moved forward like the best camel you have ever seen. I turned around and there was the Messenger of Allâh ﷺ. He said: 'Why are you in such a hurry, O Jâbir?' I said: 'O Messenger of Allâh, I have recently got married.' He said: 'Did you marry a virgin or a previously-married woman?' I said: 'A previously-married woman.' He said: 'Why not a young virgin who you could play with and she could play with you?'"

"When we came to Al-Madînah, we wanted to enter but he said: 'Slow down so we can enter at night, so that the women whose hair is disheveled may comb their hair, and the women whose husbands have been away may shave their pubes.' And he said: 'When you arrive, be smart, be smart.'"[2]

**[3641] (...)** It was narrated that Jâbir bin 'Abdullâh said: "I went out on a campaign with the Messenger of Allâh ﷺ and my camel held me back. The Messenger of Allâh ﷺ came to me and said: 'O Jâbir.' I said: 'Yes.' He said: 'What is the matter with you?' I said: 'My camel is holding me back; it is tired and I fell behind.' He dismounted and

[1] A short, iron-tipped spear.

[2] Be smart: This may mean either "be smart and have intercourse with your wife (for the purpose of having children)" or "be smart and do not rush to have intercourse with your wife until you are sure that she is not menstruating etc."

prodded it with a crooked stick, then he said: 'Ride.' So I rode, and I remember that I had to restrain it from passing the Messenger of Allâh ﷺ. He said: 'Have you gotten married?' I said: 'Yes.' He said: 'A virgin or a previously-married woman?' I said: 'A previously-married woman.' He said: 'Why not a girl whom you could play with and she could play with you?' I said: 'I have sisters and I wanted to marry a woman who could keep them together and comb their hair and take care of them.' He said: 'You are going home, and when you arrive, be smart, be smart.' Then he said: 'Will you sell your camel?' I said: 'Yes.' So he bought it from me for an *Uqiyah*, then the Messenger of Allâh ﷺ arrived and I arrived in the morning. I came to the *Masjid* and found him at the door of the *Masjid*. He said: 'Have you just arrived now?' I said: 'Yes.' He said: 'Leave your camel and go inside and pray two *Rak'ah*.' So I went inside and prayed, then I came back. He told Bilâl to weigh out an *Uqiyah* for me and Bilâl did that, and added a little more. Then I left, then when I was on my way he said: 'Call Jâbir for me.' I was called and I said: 'Now he will return the camel to me, and there was nothing I disliked more than it.' He said: 'Take your camel, and keep its price for yourself.'"

قُلْتُ: نَعَمْ. قَالَ: «مَا شَأْنُكَ؟» قُلْتُ: أَبْطَأَ بِي عَلَيَّ جَمَلِي وَأَعْيَا فَتَخَلَّفْتُ، فَنَزَلَ فَحَجَنَهُ بِمِحْجَنِهِ. ثُمَّ قَالَ: «ارْكَبْ» فَرَكِبْتُ، فَلَقَدْ رَأَيْتُنِي أَكُفُّهُ عَنْ رَسُولِ اللهِ ﷺ. فَقَالَ: «[أَ]تَزَوَّجْتَ؟» فَقُلْتُ: نَعَمْ. فَقَالَ: «أَبِكْرًا أَمْ ثَيِّبًا؟» فَقُلْتُ: بَلْ ثَيِّبٌ. قَالَ: «فَهَلَّا جَارِيَةً تُلَاعِبُهَا وَتُلَاعِبُكَ؟» قُلْتُ: إِنَّ لِي أَخَوَاتٍ، فَأَحْبَبْتُ أَنْ أَتَزَوَّجَ امْرَأَةً تَجْمَعُهُنَّ وَتَمْشُطُهُنَّ وَتَقُومُ عَلَيْهِنَّ. قَالَ: «أَمَا إِنَّكَ قَادِمٌ، فَإِذَا قَدِمْتَ فَالْكَيْسَ الْكَيْسَ!». ثُمَّ قَالَ «أَتَبِيعُ جَمَلَكَ؟» قُلْتُ: نَعَمْ، فَاشْتَرَاهُ مِنِّي بِأُوقِيَّةٍ، ثُمَّ قَدِمَ رَسُولُ اللهِ ﷺ وَقَدِمْتُ بِالْغَدَاةِ، فَجِئْتُ الْمَسْجِدَ فَوَجَدْتُهُ عَلَىٰ بَابِ الْمَسْجِدِ. فَقَالَ: «الْآنَ حِينَ قَدِمْتَ؟» قُلْتُ: نَعَمْ، قَالَ: «فَدَعْ جَمَلَكَ وَادْخُلْ فَصَلِّ رَكْعَتَيْنِ» قَالَ: فَدَخَلْتُ فَصَلَّيْتُ ثُمَّ رَجَعْتُ، فَأَمَرَ بِلَالًا أَنْ يَزِنَ لِي أُوقِيَّةً، فَوَزَنَ لِي بِلَالٌ، فَأَرْجَحَ فِي الْمِيزَانِ. قَالَ: فَانْطَلَقْتُ. فَلَمَّا وَلَّيْتُ قَالَ: «ادْعُ لِي جَابِرًا» فَدُعِيتُ. فَقُلْتُ: الْآنَ يَرُدُّ عَلَيَّ الْجَمَلَ، وَلَمْ يَكُنْ شَيْءٌ أَبْغَضَ إِلَيَّ مِنْهُ. فَقَالَ: «خُذْ جَمَلَكَ، وَلَكَ ثَمَنُهُ». [راجع: ١٦٥٦، ٣٦٣٦]

[3642] 58 - (...) It was narrated that Jâbir bin 'Abdullâh said: "We were on a journey with the Messenger of Allâh ﷺ and I was on a camel that lagged behind the people. The Messenger of Allâh ﷺ struck it," or prodded it - I think he said, "with something that he had with him. After that it started going ahead of the people and I was struggling to restrain it. The Messenger of Allâh ﷺ said: 'Will you sell it to me for such-and-such, may Allâh forgive you?' I said: 'It is yours, O Prophet of Allâh.' He said: 'Will you sell it to me for such-and-such, may Allâh forgive you?' I said: 'It is yours, O Prophet of Allâh.' He said to me: 'Did you get married after your father died?' I said: 'Yes.' He said: 'A previously-married woman or a virgin?' I said: 'A previously-married woman.' He said: 'Why didn't you marry a virgin who could make you laugh and you could make her laugh, and she could play with you and you could play with her?'"

Abû Naḍrah said: "That was a phrase that the Muslims used to say: 'Do such and such, may Allâh forgive you.'"

[٣٦٤٢] ٥٨-(...) حَدَّثَنَا مُحَمَّدُ ابْنُ عَبْدِ الْأَعْلَىٰ: حَدَّثَنَا الْمُعْتَمِرُ قَالَ: سَمِعْتُ أَبِي: حَدَّثَنَا أَبُو نَضْرَةَ عَنْ جَابِرِ ابْنِ عَبْدِ اللهِ قَالَ: كُنَّا فِي مَسِيرٍ مَعَ رَسُولِ اللهِ ﷺ وَأَنَا عَلَىٰ نَاضِحٍ، إِنَّمَا هُوَ فِي أُخْرَيَاتِ النَّاسِ. قَالَ فَضَرَبَهُ رَسُولُ اللهِ ﷺ. أَوْ قَالَ نَخَسَهُ - أُرَاهُ قَالَ بِشَيْءٍ كَانَ مَعَهُ. قَالَ: فَجَعَلَ بَعْدَ ذَلِكَ يَتَقَدَّمُ النَّاسَ يُنَازِعُنِي حَتَّىٰ إِنِّي لَأَكُفُّهُ. قَالَ: فَقَالَ رَسُولُ اللهِ ﷺ: «أَتَبِيعُنِيهِ بِكَذَا وَكَذَا؟ وَاللهُ يَغْفِرُ لَكَ» قَالَ: قُلْتُ: هُوَ لَكَ، يَا نَبِيَّ اللهِ! قَالَ: «أَتَبِيعُنِيهِ بِكَذَا وَكَذَا؟ وَاللهُ يَغْفِرُ لَكَ». قَالَ: قُلْتُ: هُوَ لَكَ. [يَا نَبِيَّ اللهِ!] قَالَ: وَقَالَ لِي: «أَتَزَوَّجْتَ بَعْدَ أَبِيكَ؟» قُلْتُ: نَعَمْ. قَالَ: «ثَيِّبًا أَمْ بِكْرًا؟» قَالَ: قُلْتُ: ثَيِّبًا. قَالَ: «فَهَلَّا تَزَوَّجْتَ بِكْرًا تُضَاحِكُكَ وَتُضَاحِكُهَا، وَتُلَاعِبُكَ وَتُلَاعِبُهَا؟».

قَالَ أَبُو نَضْرَةَ: وَكَانَتْ كَلِمَةً يَقُولُهَا الْمُسْلِمُونَ، افعَلْ كَذَا وَكَذَا، وَاللهُ يَغْفِرُ لَكَ. [راجع: ١٦٥٦، ٣٦٣٦]

## Chapter 17. Advice With Regard To Women

## (المعجم ١٧) - (بَابُ الوصية بالنساء)
(التحفة ٤٢)

[3643] 59 - (...) It was narrated

[٣٦٤٣] ٥٩-(...) حَدَّثَنَا عَمْرٌو

that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Woman was created from a rib, it will never become straight for you in any way. If you wish to benefit from her then you may benefit from her, along with her crookedness, but if you try to straighten her you will break her, and breaking her is divorcing her.'"

النَّاقِدُ وَابْنُ أَبِي عُمَرَ: - وَاللَّفْظُ لِابْنِ أَبِي عُمَرَ - قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلَعٍ، لَنْ تَسْتَقِيمَ لَكَ عَلَىٰ طَرِيقَةٍ، فَإِنِ اسْتَمْتَعْتَ بِهَا اسْتَمْتَعْتَ بِهَا، وَبِهَا عِوَجٌ، وَإِنْ ذَهَبْتَ تُقِيمُهَا كَسَرْتَهَا، وَكَسْرُهَا طَلَاقُهَا».

**[3644] 60 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever believes in Allâh and the Last Day, if he witnesses something let him speak good or else keep silent. Deal kindly with women, for woman was created from a rib, and the most crooked part of a rib is its upper part. If you try to straighten it you will break it, and if you leave it alone it will remain crooked. Deal (kindly) with women."

**[٣٦٤٤] ٦٠-(...)** وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ عَنْ زَائِدَةَ، عَنْ مَيْسَرَةَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ كَانَ يُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ، فَإِذَا شَهِدَ أَمْرًا فَلْيَتَكَلَّمْ بِخَيْرٍ أَوْ لِيَسْكُتْ، وَاسْتَوْصُوا بِالنِّسَاءِ خَيْرًا فَإِنَّ الْمَرْأَةَ خُلِقَتْ مِنْ ضِلَعٍ، وَإِنَّ أَعْوَجَ شَيْءٍ فِي الضِّلَعِ أَعْلَاهُ، إِنْ ذَهَبْتَ تُقِيمُهُ كَسَرْتَهُ، وَإِنْ تَرَكْتَهُ لَمْ يَزَلْ أَعْوَجَ، اسْتَوْصُوا بِالنِّسَاءِ [خَيْرًا]».

**[3645] 61 - (1467)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'No believing man should hate a believing woman. If he dislikes one of her characteristics, he may be pleased with another.'"

**[٣٦٤٥] ٦١-(١٤٦٧)** وحَدَّثَنِي إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: حَدَّثَنَا عِيسَى ابْنُ يُونُسَ: حَدَّثَنَا عَبْدُ الْحَمِيدِ يَعْنِي ابْنَ جَعْفَرٍ، عَنْ عِمْرَانَ بْنِ أَبِي أَنَسٍ، عَنْ عُمَرَ بْنِ الْحَكَمِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَفْرَكْ مُؤْمِنٌ

مُؤْمِنَةً، إِنْ كَرِهَ مِنْهَا خُلُقًا رَضِيَ مِنْهَا آخَرَ» أَوْ قَالَ: «غَيْرَهُ».

**[3646]** (...) A similar report (as no. 3645) was narrated from Abû Hurairah from the Prophet ﷺ.

[٣٦٤٦] (...) **وحَدَّثنا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا أَبُو عَاصِمٍ: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ: حَدَّثَنَا عِمْرَانُ بْنُ أَبِي أَنَسٍ، عَنْ عُمَرَ بْنِ الْحَكَمِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

## Chapter 18. Were It Not For Ḥawwâ', No Female Would Ever Betray Her Husband

## (المعجم ١٨) - (بَابٌ لولا حواء لم تخن أنثى زوجها الدهر) (التحفة ٤٣)

**[3647] 62 - (1468)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Were it not for Ḥawâ', no female would ever have betrayed her husband."

[٣٦٤٧] **٦٢-(١٤٦٨) حَدَّثَنَا** هَٰرُونُ ابْنُ مَعْرُوفٍ: حَدَّثَنَا بِهِ عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ: أَنَّ أَبَا يُونُسَ، مَوْلَىٰ أَبِي هُرَيْرَةَ حَدَّثَهُ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «لَوْلَا حَوَّاءُ، لَمْ تَخُنْ أُنْثَىٰ زَوْجَهَا الدَّهْرَ».

**[3648] 63 - (...)** It was narrated that Hammâm bin Munabbih said: This is what Abû Hurairah narrated from the Messenger of Allâh ﷺ. He mentioned a number of *Aḥadîth*, including the following: "The Messenger of Allâh ﷺ said: 'Were it not for the Children of Israel, no food would go bad and no meat would turn rotten, and were it not for Ḥawwâ' no female would ever betray her husband.'"

[٣٦٤٨] **٦٣-(...) حَدَّثَنَا** مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَٰذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ. : فَذَكَرَ أَحَادِيثَ. مِنْهَا: وَقَالَ رَسُولُ اللهِ ﷺ: «لَوْلَا بَنُو إِسْرَائِيلَ، لَمْ يَخْبُثِ الطَّعَامُ، وَلَمْ يَخْنَزِ اللَّحْمُ، وَلَوْلَا حَوَّاءُ، لَمْ تَخُنْ أُنْثَىٰ زَوْجَهَا الدَّهْرَ».

## Chapter 19. The Best Temporary Joy Of This World Is The Righteous Woman

**[3649] 64 - (1469)** It was narrated from 'Abdullâh bin 'Amr that the Messenger of Allâh ﷺ said: "This world is no more than temporary joys, and there is no temporary joy of this world that is better than the righteous wife."

(المعجم ١٩) - **(بَابٌ خير متاع الدنيا المرأة الصالحة)** (التحفة ٤١)

**[٣٦٤٩] ٦٤-(١٤٦٩) حَدَّثَنِي** مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ الْهَمْدَانِيُّ: حَدَّثَنَا عَبْدُ اللهِ بْنُ يَزِيدَ: حَدَّثَنَا حَيْوَةُ: أَخْبَرَنِي شُرَحْبِيلُ بْنُ شَرِيكٍ؛ أَنَّهُ سَمِعَ أَبَا عَبْدِ الرَّحْمٰنِ الْحُبُلِيَّ يُحَدِّثُ عَنْ عَبْدِ اللهِ ابْنِ عَمْرٍو؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الدُّنْيَا مَتَاعٌ وَخَيْرُ مَتَاعِ الدُّنْيَا الْمَرْأَةُ الصَّالِحَةُ».

## Chapter 20. Advice With Regard To Women

**[3650] 65 - (1470)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Woman is like a rib. If you try to straighten her you will break her, but if you leave her alone you will benefit from her even though there is some crookedness in her.'"

(المعجم ٢٠) - **(بَابُ الوصية بالنساء)** (التحفة ٤٢)

**[٣٦٥٠] ٦٥-(١٤٧٠) وحَدَّثَنِي** حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ، حَدَّثَنِي ابْنُ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ الْمَرْأَةَ كَالضِّلَعِ. إِذَا ذَهَبْتَ تُقِيمُهَا كَسَرْتَهَا، وَإِنْ تَرَكْتَهَا اسْتَمْتَعْتَ بِهَا وَفِيهَا عِوَجٌ».

**[3651] (...)** A similar report (as no. 3650) was narrated from the nephew of Az-Zuhrî, from his paternal uncle, with this chain.

**[٣٦٥١] (...) وَحَدَّثَنِيهِ** زُهَيْرُ بْنُ حَرْبٍ وَعَبْدُ بْنُ حُمَيْدٍ، كِلَيْهِمَا عَنْ يَعْقُوبَ بْنِ إِبْرَاهِيمَ بْنِ سَعْدٍ، عَنِ ابْنِ أَخِي الزُّهْرِيِّ، عَنْ عَمِّهِ، بِهٰذَا الْإِسْنَادِ، مِثْلَهُ سَوَاءً.

# 18. The Book Of Divorce

# ٣ - (المعجم ١٨) - كتاب الطلاق (التحفة ٩)

## Chapter 1. The Prohibition Of Divorcing A Menstruating Woman Without Her Consent; If A Man Breaks This Rule It Still Counts As A Divorce, And He Should Be Ordered To Take Her Back

## (المعجم ١) - (بَابُ تحريم طلاق الحائض بغير رضاها، وأنه لو خالف وقع الطلاق ويؤمر برجعتها) (التحفة ١)

**[3652] 1 - (1471)** It was narrated from Ibn 'Umar that he divorced his wife while she was menstruating, at the time of the Messenger of Allâh ﷺ. 'Umar bin Al-Khattâb asked the Messenger of Allâh ﷺ about that and the Messenger of Allâh ﷺ said to him: "Tell him to take her back, then wait until she has become pure, then menstruated again, then become pure again. Then if he wishes he may keep her, or if he wishes he may divorce her before he has intercourse with her. That is the *'Iddah* (prescribed periods) for which Allâh has enjoined the divorce of women."

**[٣٦٥٢] ١-(١٤٧١) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ التَّمِيمِيُّ قَالَ: قَرَأْتُ عَلَىٰ مَالِكِ بْنِ أَنَسٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فِي عَهْدِ رَسُولِ اللهِ ﷺ، فَسَأَلَ عُمَرُ بْنُ الْخَطَّابِ رَسُولَ اللهِ ﷺ عَنْ ذٰلِكَ؟ فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «مُرْهُ فَلْيُرَاجِعْهَا، ثُمَّ لْيَتْرُكْهَا حَتَّى تَطْهُرَ، ثُمَّ تَحِيضَ، ثُمَّ تَطْهُرَ، ثُمَّ إِنْ شَاءَ أَمْسَكَ بَعْدُ، وَإِنْ شَاءَ طَلَّقَ قَبْلَ أَنْ يَمَسَّ، فَتِلْكَ الْعِدَّةُ الَّتِي أَمَرَ اللهُ [عَزَّ وَجَلَّ] أَنْ يُطَلَّقَ لَهَا النِّسَاءُ».

**[3653] (...)** It was narrated from 'Abdullâh that he divorced one of his wives while she was menstruating, with a single divorce. The Messenger

**[٣٦٥٣] (...) وحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَابْنُ رُمْحٍ - وَاللَّفْظُ لِيَحْيَىٰ - قَالَ قُتَيْبَةُ: حَدَّثَنَا لَيْثٌ:

of Allâh ﷺ ordered him to take her back and keep her until she had become pure then menstruated again in his house. Then he should wait until she became pure again, then if he wished he could divorce her when she became pure, before having intercourse with her. That is the *'Iddah* (prescribed periods) for which Allâh has enjoined the divorce of women.

Ibn Rumḥ added in his report: "When 'Abdullâh was asked about that, he said to one of them: 'But if you have divorced your wife once or twice, the Messenger of Allâh ﷺ told me to do that (i.e., take her back), but if you have divorced her three times, then she becomes unlawful to you until she marries another husband; and you have disobeyed Allâh with regard to His commands about divorcing your wife.'"

Muslim said: Al-Laith did well with his saying: "A single divorce (a narrator)."

وَقَالَ الْآخَرَانِ: أَخْبَرَنَا- اللَّيْثُ بْنُ سَعْدٍ عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ؛ أَنَّهُ طَلَّقَ امْرَأَةً لَهُ وَهِيَ حَائِضٌ تَطْلِيقَةً وَاحِدَةً، فَأَمَرَهُ رَسُولُ اللهِ ﷺ أَنْ يُرَاجِعَهَا ثُمَّ يُمْسِكَهَا حَتَّىٰ تَطْهُرَ، ثُمَّ تَحِيضَ عِنْدَهُ حَيْضَةً أُخْرَىٰ، ثُمَّ يُمْهِلَهَا حَتَّىٰ تَطْهُرَ مِنْ حَيْضَتِهَا، فَإِنْ أَرَادَ أَنْ يُطَلِّقَهَا فَلْيُطَلِّقْهَا حِينَ تَطْهُرُ مِنْ قَبْلِ أَنْ يُجَامِعَهَا، فَتِلْكَ الْعِدَّةُ الَّتِي أَمَرَ اللهُ أَنْ يُطَلَّقَ لَهَا النِّسَاءُ.

وَزَادَ ابْنُ رُمْحٍ فِي رِوَايَتِهِ: وَكَانَ عَبْدُ اللهِ إِذَا سُئِلَ عَنْ ذٰلِكَ، قَالَ لِأَحَدِهِمْ: أَمَّا أَنْتَ طَلَّقْتَ امْرَأَتَكَ مَرَّةً أَوْ مَرَّتَيْنِ، فَإِنَّ رَسُولَ اللهِ ﷺ أَمَرَنِي بِهٰذَا، وَإِنْ كُنْتَ طَلَّقْتَهَا ثَلَاثًا فَقَدْ حَرُمَتْ عَلَيْكَ حَتَّىٰ تَنْكِحَ زَوْجًا غَيْرَكَ وَعَصَيْتَ اللهَ فِيمَا أَمَرَكَ مِنْ طَلَاقِ امْرَأَتِكَ.

قَالَ مُسْلِمٌ: جَوَّدَ اللَّيْثُ فِي قَوْلِهِ: تَطْلِيقَةً وَاحِدَةً.

**[3654] 2 - (...)** It was narrated that Ibn 'Umar said: "I divorced my wife at the time of the Messenger of Allâh ﷺ while she was menstruating. 'Umar mentioned that to the Messenger of Allâh ﷺ and he said: 'Tell him to take her back, then let him wait until she becomes pure, then menstruates again, then when she becomes

**[٣٦٥٤] ٢-(...)** حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: طَلَّقْتُ امْرَأَتِي عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ وَهِيَ حَائِضٌ، فَذَكَرَ ذٰلِكَ عُمَرُ لِرَسُولِ اللهِ ﷺ، فَقَالَ: «مُرْهُ فَلْيُرَاجِعْهَا، ثُمَّ

pure again, let him divorce her before having intercourse with her, or let him keep her. That is the *'Iddah* (prescribed periods) for which Allâh has enjoined the divorce of women."'

'Ubaidullâh said: "I said to Nâfi': 'What happened to that divorce?' He said: 'It was one divorce that was counted as such.'"

لِيَدَعْهَا حَتَّى تَطْهُرَ، ثُمَّ تَحِيضَ حَيْضَةً أُخْرَىٰ، فَإِذَا طَهُرَتْ فَلْيُطَلِّقْهَا قَبْلَ أَنْ يُجَامِعَهَا، أَوْ يُمْسِكْهَا، فَإِنَّهَا الْعِدَّةُ الَّتِي أَمَرَ اللهُ أَنْ يُطَلَّقَ لَهَا النِّسَاءُ».

قَالَ عُبَيْدُ اللهِ: قُلْتُ لِنَافِعٍ: مَا صُنِعَتِ التَّطْلِيقَةُ؟ قَالَ: وَاحِدَةٌ اعْتُدَّ بِهَا.

**[3655]** **(...)** A similar report (as no. 3654) was narrated from 'Ubaidullâh with this chain, but he did not mention what 'Ubaidullâh said to Nâfi'.

[٣٦٥٥] (...) **وحَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَابْنُ الْمُثَنَّىٰ قَالَا: حَدَّثَنَا عَبْدُ اللهِ بْنُ إِدْرِيسَ عَنْ عُبَيْدِ اللهِ بِهٰذَا الْإِسْنَادِ، نَحْوَهُ. وَلَمْ يَذْكُرْ قَوْلَ عُبَيْدِ اللهِ لِنَافِعٍ.

قَالَ ابْنُ الْمُثَنَّىٰ فِي رِوَايَتِهِ: فَلْيَرْجِعْهَا، وَقَالَ أَبُو بَكْرٍ: فَلْيُرَاجِعْهَا.

**[3656] 3 - (...)** It was narrated from Nâfi' that Ibn 'Umar divorced his wife while she was menstruating, and 'Umar asked the Prophet ﷺ about that. He (ﷺ) ordered him to take her back, then wait until she had menstruated again, then wait until she became pure, then he could divorce her before having intercourse with her. That is the *'Iddah* (prescribed periods) for which Allâh has enjoined the divorce of women. He said: "When Ibn 'Umar was asked about a man who divorces his wife while she is menstruating, he

[٣٦٥٦] ٣-(...) **وحَدَّثَنِي** زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ أَيُّوبَ، عَنْ نَافِعٍ؛ أَنَّ ابْنَ عُمَرَ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَسَأَلَ عُمَرُ النَّبِيَّ ﷺ، فَأَمَرَهُ أَنْ يُرَاجِعَهَا ثُمَّ يُمْهِلَهَا حَتَّى تَحِيضَ حَيْضَةً أُخْرَىٰ، ثُمَّ يُمْهِلَهَا حَتَّى تَطْهُرَ، ثُمَّ يُطَلِّقَهَا قَبْلَ أَنْ يَمَسَّهَا، فَتِلْكَ الْعِدَّةُ الَّتِي أَمَرَ اللهُ عَزَّ وَجَلَّ أَنْ يُطَلَّقَ لَهَا النِّسَاءُ، قَالَ: فَكَانَ ابْنُ عُمَرَ إِذَا سُئِلَ عَنِ الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ وَهِيَ حَائِضٌ يَقُولُ: أَمَّا أَنْتَ

would say: 'If you have divorced her once or twice, the Messenger of Allâh ﷺ told him to take her back, then wait until she menstruated again, then wait until she became pure, then divorce her before having intercourse with her. If you divorced her three times, then you have disobeyed your Lord with regard to the manner in which He commanded you to divorce your wife, and the divorce is irrevocable.'"

طَلَّقْتَهَا وَاحِدَةً أَوِ اثْنَتَيْنِ، إِنَّ رَسُولَ اللهِ ﷺ أَمَرَهُ أَنْ يُرَاجِعَهَا، ثُمَّ يُمْهِلَهَا حَتَّى تَحِيضَ حَيْضَةً أُخْرَىٰ، ثُمَّ يُمْهِلَهَا حَتَّىٰ تَطْهُرَ، ثُمَّ يُطَلِّقَهَا قَبْلَ أَنْ يَمَسَّهَا، وَأَمَّا أَنْتَ طَلَّقْتَهَا ثَلَاثًا، فَقَدْ عَصَيْتَ رَبَّكَ فِيمَا أَمَرَكَ بِهِ مِنْ طَلَاقِ امْرَأَتِكَ، وَبَانَتْ مِنْكَ.

**[3657] 4 - (...)** 'Abdullâh bin 'Umar said: "I divorced my wife while she was menstruating. 'Umar mentioned that to the Prophet ﷺ and the Messenger of Allâh ﷺ got angry and said: 'Tell him to take her back until she has menstruated again, a menses other than that in which he divorced her. Then if he wants to divorce her, let him divorce her when she is pure of menses and before he has intercourse with her. That is divorce at the time prescribed by Allâh.'" 'Abdullâh had divorced her once, and that was counted as one divorce. And 'Abdullâh took her back as the Messenger of Allâh ﷺ commanded him.

**[٣٦٥٧] ٤-(...) وحَدَّثَنِي** عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا مُحَمَّدٌ وَهُوَ ابْنُ أَخِي الزُّهْرِيِّ، عَنْ عَمِّهِ: أَخْبَرَنَا سَالِمُ بْنُ عَبْدِ اللهِ، أَنَّ عَبْدَ اللهِ بْنَ عُمَرَ قَالَ: طَلَّقْتُ امْرَأَتِي وَهِيَ حَائِضٌ، فَذَكَرَ ذٰلِكَ عُمَرُ لِلنَّبِيِّ ﷺ، فَتَغَيَّظَ رَسُولُ اللهِ ﷺ، ثُمَّ قَالَ: «مُرْهُ فَلْيُرَاجِعْهَا، حَتَّى تَحِيضَ حَيْضَةً [أُخْرَىٰ] مُسْتَقْبَلَةً، سِوَىٰ حَيْضَتِهَا الَّتِي طَلَّقَهَا فِيهَا، فَإِنْ بَدَا لَهُ أَنْ يُطَلِّقَهَا، فَلْيُطَلِّقْهَا طَاهِرًا مِنْ حَيْضَتِهَا قَبْلَ أَنْ يَمَسَّهَا، فَذٰلِكَ الطَّلَاقُ لِلعِدَّةِ كَمَا أَمَرَ اللهُ» وَكَانَ عَبْدُ اللهِ طَلَّقَهَا تَطْلِيقَةً [وَاحِدَةً]، فَحُسِبَتْ مِنْ طَلَاقِهَا، وَرَاجَعَهَا عَبْدُ اللهِ كَمَا أَمَرَهُ رَسُولُ اللهِ ﷺ.

**[3658] (...)** It was narrated from Az-Zuhrî with this chain (a *Hadîth* similar to no. 3657), except that he

**[٣٦٥٨] (...) وحَدَّثَنِيهِ** إِسْحٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا يَزِيدُ بْنُ عَبْدِ رَبِّهِ: حَدَّثَنَا

said: "...Ibn 'Umar said: 'So I took her back, and that was counted as one divorce that I had given her.'"

مُحَمَّدُ بْنُ حَرْبٍ: حَدَّثَنِي الزُّبَيْدِيُّ عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ، غَيْرَ أَنَّهُ قَالَ: قَالَ ابْنُ عُمَرَ: فَرَاجَعْتُهَا، وَحُسِبَتْ لَهَا التَّطْلِيقَةُ الَّتِي طَلَّقْتُهَا.

**[3659] 5 - (...)** It was narrated from Ibn 'Umar that he divorced his wife while she was menstruating. 'Umar mentioned that to the Prophet ﷺ who said: "Tell him to take her back, then divorce her when she is pure or pregnant."

**[٣٦٥٩] ٥-(...) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ وَابْنُ نُمَيْرٍ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالُوا: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَٰنِ، مَوْلَىٰ آلِ طَلْحَةَ، عَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَذَكَرَ ذَٰلِكَ عُمَرُ لِلنَّبِيِّ ﷺ، فَقَالَ: «مُرْهُ فَلْيُرَاجِعْهَا، ثُمَّ لْيُطَلِّقْهَا طَاهِرًا أَوْ حَامِلًا».

**[3660] 6 - (...)** It was narrated from Ibn 'Umar that he divorced his wife while she was menstruating. 'Umar asked the Messenger of Allâh ﷺ about that and he said: "Tell him to take her back until she becomes pure, then menstruates again, then becomes pure, then he may divorce her after that or keep her."

**[٣٦٦٠] ٦-(...) وحَدَّثَنِي** أَحْمَدُ ابْنُ عُثْمَانَ بْنِ حَكِيمٍ الْأَوْدِيُّ: حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ: حَدَّثَنِي سُلَيْمَانُ وَهُوَ ابْنُ بِلَالٍ: حَدَّثَنِي عَبْدُ اللهِ بْنُ دِينَارٍ عَنِ ابْنِ عُمَرَ؛ أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَسَأَلَ عُمَرُ عَنْ ذَٰلِكَ رَسُولَ اللهِ ﷺ فَقَالَ: «مُرْهُ فَلْيُرَاجِعْهَا حَتَّىٰ تَطْهُرَ، ثُمَّ تَحِيضَ حَيْضَةً أُخْرَىٰ، ثُمَّ تَطْهُرَ ثُمَّ يُطَلِّقُ بَعْدُ، أَوْ يُمْسِكُ».

**[3661] 7 - (...)** It was narrated that Ibn Sîrîn said: For twenty years those whom I trust narrated

**[٣٦٦١] ٧-(...) وحَدَّثَنِي** عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ

to me that Ibn 'Umar divorced his wife thrice while she was menstruating and he was told to take her back. I did not doubt them, but I did not hear the *Hadîth* from anyone else either, until I met Abû Ghallâb, Yûnus bin Jubair Al-Bâhilî, who was very reliable. He told me that he asked Ibn 'Umar, who told him that he had divorced his wife with one divorce while she was menstruating, and he was commanded to take her back. He said: I said: " 'Was that counted as a divorce?' He said: 'Of course; it must be counted even if he failed and acted foolishly."[1]

إِبْرَاهِيمَ عَنْ أَيُّوبَ، عَنِ ابْنِ سِيرِينَ قَالَ: مَكَثْتُ عِشْرِينَ سَنَةً يُحَدِّثُنِي مَنْ لَا أَتَّهِمُ أَنَّ ابْنَ عُمَرَ طَلَّقَ امْرَأَتَهُ ثَلَاثًا وَهِيَ حَائِضٌ. فَأُمِرَ أَنْ يُرَاجِعَهَا، فَجَعَلْتُ لَا أَتَّهِمُهُمْ، وَلَا أَعْرِفُ الْحَدِيثَ، حَتَّى لَقِيتُ أَبَا غَلَّابٍ، يُونُسَ بْنَ جُبَيْرٍ الْبَاهِلِيَّ، وَكَانَ ذَا ثَبَتٍ، فَحَدَّثَنِي أَنَّهُ سَأَلَ ابْنَ عُمَرَ، فَحَدَّثَهُ أَنَّهُ طَلَّقَ امْرَأَتَهُ تَطْلِيقَةً وَهِيَ حَائِضٌ، فَأُمِرَ أَنْ يُرَاجِعَهَا قَالَ: قُلْتُ: أَفَحُسِبَتْ عَلَيْهِ؟ قَالَ: فَمَهْ، أَوَ إِنْ عَجَزَ وَاسْتَحْمَقَ؟.

**[3662]** (...) A similar report (as no. 3661) was narrated from Ayyûb with this chain, except that he said: " 'Umar asked the Prophet ﷺ and he told him..."

**[٣٦٦٢]** (...) **وحَدَّثَنَاه** أَبُو الرَّبِيعِ وَقُتَيْبَةُ قَالَا: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ بِهٰذَا الْإِسْنَادِ، نَحْوَهُ، غَيْرَ أَنَّهُ قَالَ: فَسَأَلَ عُمَرُ النَّبِيَّ ﷺ فَأَمَرَهُ.

**[3663] 8 - (...)** It was narrated from Ayyûb with this chain (a *Hadîth* similar to no. 3661), and he said in the *Hadîth*: "Umar asked the Prophet ﷺ about that, and he told him to take her back, until he could divorce her when she was pure, without having had intercourse with her. And he said: 'Divorce her at the beginning of her *'Iddah*.'"

**[٣٦٦٣] ٨-(...)** **وحَدَّثَنَاهُ** عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنِي أَبِي عَنْ جَدِّي، عَنْ أَيُّوبَ بِهٰذَا الْإِسْنَادِ. وَقَالَ فِي الْحَدِيثِ: فَسَأَلَ عُمَرُ النَّبِيَّ ﷺ عَنْ ذٰلِكَ؟ فَأَمَرَهُ أَنْ يُرَاجِعَهَا حَتَّى يُطَلِّقَهَا طَاهِرًا مِنْ غَيْرِ جِمَاعٍ، وَقَالَ: «يُطَلِّقُهَا فِي قُبُلِ عِدَّتِهَا».

[1] These are the words of Ibn 'Umar himself, referring to himself in the third person, as is clear in subsequent narrations.

**[3664] 9 - (...)** It was narrated that Yûnus bin Jubair said: "I said to Ibn 'Umar: 'A man divorced his wife while she was menstruating.' He said: 'Do you know 'Abdullâh bin 'Umar? He divorced his wife while she was menstruating, and 'Umar went to the Prophet ﷺ and asked him (about that), and he told him to take her back, so that she might start her *'Iddah*.'"[1] He said: "I said to him: 'If a man divorces his wife while she is menstruating, does that count as a divorce?' He said: 'Of course; it must be counted even if he failed and acted foolishly.'"

**[٣٦٦٤] ٩-(. . .) وحَدَّثَنِي** يَعْقُوبُ ابْنُ إِبْرَاهِيمَ الدَّوْرَقِيُّ عَنِ ابْنِ عُلَيَّةَ، عَنْ يُونُسَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ يُونُسَ بْنِ جُبَيْرٍ قَالَ: قُلْتُ لِابْنِ عُمَرَ: رَجُلٌ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَقَالَ: أَتَعْرِفُ عَبْدَ اللهِ بْنَ عُمَرَ؟ فَإِنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَأَتَىٰ عُمَرُ النَّبِيَّ ﷺ فَسَأَلَهُ؟ فَأَمَرَهُ أَنْ يَرْجِعَهَا، ثُمَّ تَسْتَقْبِلَ عِدَّتَهَا، قَالَ: فَقُلْتُ لَهُ: إِذَا طَلَّقَ الرَّجُلُ امْرَأَتَهُ وَهِيَ حَائِضٌ، أَيُعْتَدُّ بِتِلْكَ التَّطْلِيقَةِ؟ فَقَالَ: فَمَهْ أَوَ إِنْ عَجَزَ وَاسْتَحْمَقَ؟.

**[3665] 10 - (...)** Ibn 'Umar said: "I divorced my wife while she was menstruating, and 'Umar went to the Prophet ﷺ and told him about that. The Prophet ﷺ said: 'Let him take her back, then when she becomes pure, if he wishes he may divorce her.' He (the narratror) said: "I said to Ibn 'Umar: 'Was that counted (as a divorce)?' He said: 'Why wouldn't it be? It must be counted even if he failed and acted foolishly.'"

**[٣٦٦٥] ١٠-(. . .) حَدَّثَنَا** [مُحَمَّدُ] ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ، - قَالَ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا - مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ قَالَ: سَمِعْتُ يُونُسَ بْنَ جُبَيْرٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: طَلَّقْتُ امْرَأَتِي وَهِيَ حَائِضٌ، فَأَتَىٰ عُمَرُ النَّبِيَّ ﷺ فَذَكَرَ ذٰلِكَ لَهُ، فَقَالَ النَّبِيُّ ﷺ: «لِيُرَاجِعْهَا، فَإِذَا طَهُرَتْ، فَإِنْ شَاءَ فَلْيُطَلِّقْهَا» قَالَ: قُلْتُ لِابْنِ عُمَرَ: أَفَتَحْتَسِبُ بِهَا؟ فَقَالَ: مَا يَمْنَعُهُ، أَرَأَيْتَ إِنْ عَجَزَ وَاسْتَحْمَقَ؟.

[1] Meaning, her *'Iddah* starts when he divorces her while she is not menstruating.

**[3666] 11 - (...)** It was narrated that Anas bin Sîrîn said: "I asked Ibn 'Umar about his wife whom he divorced. He said: 'I divorced her while she was menstruating, and I told 'Umar about that, and he told the Prophet ﷺ, who said: "Tell him to take her back, then when she becomes pure, he may divorce her when she is pure." He said: 'So I took her back, then I divorced her when she was pure.' I said: 'Was that divorce that you gave her while she was menstruating counted as such? He said: 'Why wouldn't I count it? It must be counted even if I failed and acted foolishly.'"

**[٣٦٦٦] ١١-(. . .)** حَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا خَالِدُ بْنُ عَبْدِ اللهِ عَنْ عَبْدِ الْمَلِكِ، عَنْ أَنَسِ بْنِ سِيرِينَ قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنِ امْرَأَتِهِ الَّتِي طَلَّقَ؟ قَالَ: طَلَّقْتُهَا وَهِيَ حَائِضٌ، فَذَكَرْتُ ذٰلِكَ لِعُمَرَ، فَذَكَرَهُ لِلنَّبِيِّ ﷺ، فَقَالَ: «مُرْهُ فَلْيُرَاجِعْهَا، فَإِذَا طَهَرَتْ فَلْيُطَلِّقْهَا لِطُهْرِهَا» قَالَ: فَرَاجَعْتُهَا ثُمَّ طَلَّقْتُهَا لِطُهْرِهَا، قُلْتُ: فَاعْتَدَدْتَ بِتِلْكَ التَّطْلِيقَةِ الَّتِي طَلَّقْتَ وَهِيَ حَائِضٌ؟ قَالَ: مَا لِي لَا أَعْتَدُّ بِهَا؟ وَإِنْ كُنْتُ عَجَزْتُ وَاسْتَحْمَقْتُ.

**[3667] 12 - (...)** It was narrated from Anas bin Sîrîn that he heard Ibn 'Umar said: "I divorced my wife while she was menstruating. 'Umar went to the Prophet ﷺ and told him about that, and he said: 'Tell him to take her back, then when she becomes pure, let him divorce her.' I said to Ibn 'Umar: 'Did you count that divorce as such?' He said: 'Of course.'"

**[٣٦٦٧] ١٢-(. . .)** حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ- قَالَ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا - مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَنَسِ بْنِ سِيرِينَ؛ أَنَّهُ سَمِعَ ابْنَ عُمَرَ قَالَ: طَلَّقْتُ امْرَأَتِي وَهِيَ حَائِضٌ، فَأَتَى عُمَرُ النَّبِيَّ ﷺ فَأَخْبَرَهُ، فَقَالَ: «مُرْهُ فَلْيُرَاجِعْهَا، ثُم إِذَا طَهُرَتْ فَلْيُطَلِّقْهَا» قُلْتُ لِابْنِ عُمَرَ: أَفَحَسِبْتَ بِتِلْكَ التَّطْلِيقَةِ؟ قَالَ: فَمَهْ.

**[3668] (...)** <u>Sh</u>u'bah narrated with this chain (a *Ḥadîth* similar to no. 3667), except that in their *Ḥadî<u>th</u>* it says: "...Let him take her back." And in their *Ḥadî<u>th</u>* (it

**[٣٦٦٨] (. . .)** وَحَدَّثَنِيهِ يَحْيَى بْنُ حَبِيبٍ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ؛ وَحَدَّثَنِيهِ عَبْدُ الرَّحْمَٰنِ بْنُ بِشْرٍ: حَدَّثَنَا

says): He said: "I said to him: 'Did you count it as such?' He said: 'Of course.'"

بَهْزٌ قَالَا: حَدَّثَنَا شُعْبَةُ؛ بِهَٰذَا الْإِسْنَادِ، غَيْرَ أَنَّ فِي حَدِيثِهِمَا «لِيَرْجِعْهَا»، وَفِي حَدِيثِهِمَا: قَالَ: قُلْتُ لَهُ: أَتَحْتَسِبُ بِهَا؟ قَالَ: فَمَهْ.

**[3669] 13 - (...)** Ibn Ṭawûs narrated from his father that he heard Ibn 'Umar being asked about a man who divorced his wife while she was menstruating. He said: "Do you know 'Abdullâh bin 'Umar?" He said: "Yes." He said: "He divorced his wife while she was menstruating, and 'Umar went to the Prophet ﷺ and told him the news. He told him to take her back." He (Ibn Ṭawûs) said: "I did not hear him - his father - say any more than that."

**[٣٦٦٩] ١٣-(...) وحَدَّثَنَا** إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي ابْنُ طَاوُسٍ: عَنْ أَبِيهِ؛ أَنَّهُ سَمِعَ ابْنَ عُمَرَ يُسْأَلُ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ حَائِضًا؟ فَقَالَ: أَتَعْرِفُ عَبْدَ اللهِ بْنَ عُمَرَ؟ قَالَ: نَعَمْ، قَالَ: فَإِنَّهُ طَلَّقَ امْرَأَتَهُ حَائِضًا، فَذَهَبَ عُمَرُ إِلَىٰ النَّبِيِّ ﷺ فَأَخْبَرَهُ الْخَبَرَ، فَأَمَرَهُ أَنْ يُرَاجِعَهَا. قَالَ: لَمْ أَسْمَعْهُ يَزِيدُ عَلَىٰ ذَٰلِكَ - لِأَبِيهِ. -

**[3670] 14 - (...)** Abû Az-Zubair narrated that he heard 'Abdur-Raḥmân bin Ayman, the freed slave of 'Azzah, asking Ibn 'Umar, and Abû Az-Zubair heard that: "What do you think of a man who divorces his wife when she is menstruating?" He said: "Ibn 'Umar divorced his wife while she was menstruating, at the time of the Messenger of Allâh ﷺ." 'Umar asked the Messenger of Allâh ﷺ (about it), saying: ''Abdullâh bin 'Umar has divorced his wife when she is menstruating.' The Prophet ﷺ said to him: 'Let him take her back.' So he took her back. And

**[٣٦٧٠] ١٤-(...) حَدَّثَنِي** هَٰرُونُ ابْنُ عَبْدِ اللهِ: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ قَالَ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ: أَنَّهُ سَمِعَ عَبْدَ الرَّحْمَٰنِ بْنَ أَيْمَنَ مَوْلَىٰ عَزَّةَ، يَسْأَلُ ابْنَ عُمَرَ؟ وَأَبُو الزُّبَيْرِ يَسْمَعُ [ذَٰلِكَ]، كَيْفَ تَرَىٰ فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ حَائِضًا؟ فَقَالَ: طَلَّقَ ابْنُ عُمَرَ امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، فَسَأَلَ عُمَرُ رَسُولَ اللهِ ﷺ؟ فَقَالَ: إِنَّ عَبْدَ اللهِ بنَ عُمَرَ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَقَالَ لَهُ النَّبِيُّ ﷺ:

he said: 'When she becomes pure, let him divorce her or let him keep her.'"

Ibn 'Umar said: "And the Prophet ﷺ recited the words: O Prophet! When you divorce women, divorce them at their *'Iddah* (prescribed periods)..."[1]

«لِيُرَاجِعْهَا» فَرَدَّهَا، وقَالَ: «إِذَا طَهُرَتْ فَلْيُطَلِّقْ أَوْ لِيُمْسِكْ».

قَالَ ابْنُ عُمَرَ: وَقَرَأَ النَّبِيُّ ﷺ: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ إِذَا طَلَّقْتُمُ ٱلنِّسَآءَ فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ﴾ [الطلاق: ١].

**[3671] (...)** A similar story (as no. 3670) was narrated from Ibn 'Umar.

**[٣٦٧١] (. . .) حَدَّثَنِي** هَٰرُونُ بْنُ عَبْدِ اللهِ: حَدَّثَنَا أَبُو عَاصِمٍ، عَنِ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ، عَنِ ابْنِ عُمَرَ نَحْوَ هَٰذِهِ الْقِصَّةِ،

**[3672] (...)** Abû Az-Zubair narrated that he heard 'Abdur-Raḥmân bin Ayman, the freed slave of 'Urwah, asking Ibn 'Umar, when Abû Az-Zubair was listening... a *Ḥadîth* like that of Ḥajjâj (no. 3670), with some additions.

Muslim said: He made a mistake when he said "...the freed slave of 'Urwah"; he was the freed slave of 'Azzah.

**[٣٦٧٢] (. . .) وَحَدَّثَنِيهِ** مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ: أَنَّهُ سَمِعَ عَبْدَ الرَّحْمَٰنِ بْنَ أَيْمَنَ مَوْلَىٰ عُرْوَةَ، يَسْأَلُ ابْنَ عُمَرَ؟ وَأَبُو الزُّبَيْرِ يَسْمَعُ، بِمِثْلِ حَدِيثِ حَجَّاجٍ، وَفِيهِ بَعْضُ الزِّيَادَةِ.

**قَالَ مُسْلِمٌ:** أَخْطَأَ حَيْثُ قَالَ: مَوْلَىٰ عُرْوَةَ، إِنَّمَا هُوَ مَوْلَىٰ عَزَّةَ.

## Chapter 2. Threefold Divorce

## (المعجم ٢) - (بَابُ طلاق الثلاث)

(التحفة ٢)

**[3673] 15 - (1472)** It was narrated that Ibn 'Abbâs said: "During the time of the Messenger of Allâh ﷺ, Abû Bakr and the first two years of 'Umar's *Khilâfah*, a threefold[2] divorce was counted

**[٣٦٧٣] ١٥-(١٤٧٢) حَدَّثَنَا** إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ: - وَاللَّفْظُ لِابْنِ رَافِعٍ- قَالَ إِسْحَٰقُ: أَخْبَرَنَا وَقَالَ ابْنُ رَافِعٍ: حَدَّثَنَا - عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا

[1] *Aṭ-Ṭalâq* 65:1.

[2] Giving divorce thrice in one sitting.

as one. Then 'Umar bin Al-Khaṭṭâb said: 'People have become hasty in a matter in which they should take their time. I am thinking of holding them to it.' So he made it binding upon them."

مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: كَانَ الطَّلَاقُ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ وَأَبِي بَكْرٍ وَسَنَتَيْنِ مِنْ خِلَافَةِ عُمَرَ، طَلَاقُ الثَّلَاثِ وَاحِدَةً، فَقَالَ عُمَرُ بْنُ الْخَطَّابِ: إِنَّ النَّاسَ قَدِ اسْتَعْجَلُوا فِي أَمْرٍ [قَدْ] كَانَتْ لَهُمْ فِيهِ أَنَاةٌ، فَلَوْ أَمْضَيْنَاهُ عَلَيْهِمْ فَأَمْضَاهُ عَلَيْهِمْ.

**[3674] 16 - (...)** Ibn Ṭawûs narrated from his father that Abû Aṣ-Ṣahbâ' said to Ibn 'Abbâs: "Do you know that the threefold divorce was regarded as one at the time of the Messenger of Allâh ﷺ and Abû Bakr, and for three years of 'Umar's leadership?" He said: "Yes."

**[٣٦٧٤] ١٦-(...) حَدَّثَنَا** إِسْحَاقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا رَوْحُ بْنُ عُبَادَةَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ؛ وَحَدَّثَنَا ابْنُ رَافِعٍ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي ابْنُ طَاوُسٍ عَنْ أَبِيهِ؛ أَنَّ أَبَا الصَّهْبَاءِ قَالَ لِابْنِ عَبَّاسٍ: أَتَعْلَمُ أَنَّمَا كَانَتِ الثَّلَاثُ تُجْعَلُ وَاحِدَةً عَلَىٰ عَهْدِ النَّبِيِّ ﷺ وَأَبِي بَكْرٍ، وَثَلَاثًا مِنْ إِمَارَةِ عُمَرَ فَقَالَ ابْنُ عَبَّاسٍ: نَعَمْ.

**[3675] 17 - (...)** It was narrated from Ṭawûs that Abû Aṣ-Ṣahbâ' said to Ibn 'Abbâs: "Tell us of something interesting that you know. Wasn't the threefold divorce counted as one at the time of the Messenger of Allâh ﷺ and Abû Bakr?" He said: "That was so, then at the time of 'Umar the people began to issue divorces frequently, so he made it binding upon them."

**[٣٦٧٥] ١٧-(...) وحَدَّثَنَا** إِسْحَاقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا سُلَيْمَانُ بْنُ حَرْبٍ: عَنْ حَمَّادِ بْنِ زَيْدٍ، عَنْ أَيُّوبَ السَّخْتِيَانِيِّ، عَنْ إِبْرَاهِيمَ بْنِ مَيْسَرَةَ، عَنْ طَاوُسٍ؛ أَنَّ أَبَا الصَّهْبَاءِ قَالَ لِابْنِ عَبَّاسٍ: هَاتِ مِنْ هَنَاتِكَ! أَلَمْ يَكُنِ الطَّلَاقُ الثَّلَاثُ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ

وَأَبِي بَكْرٍ وَاحِدَةً؟ فَقَالَ: قَدْ كَانَ ذٰلِكَ، فَلَمَّا كَانَ فِي عَهْدِ عُمَرَ تَتَايَعَ النَّاسُ فِي الطَّلَاقِ، فَأَجَازَهُ عَلَيْهِمْ.

## Chapter 3. Expiation Must Be Offered By One Who Declares His Wife To Be Unlawful For Him But Does Not Intend Divorce Thereby

## (المعجم ٣) - (بَابُ وجوب الكفارة على من حرّم امرأته ولم ينوِ الطلاق) (التحفة ٣)

**[3676] 18 - (1473)** It was narrated from Ibn 'Abbâs that he used to say concerning declaring one's wife to be unlawful: "It is an oath for which expiation must be offered."

Ibn 'Abbâs said: "Indeed in the Messenger of Allâh you have a good example to follow for him..."[1]

[٣٦٧٦] **١٨-(١٤٧٣)** وحَدَّثنا زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ، عَنْ هِشَامٍ يَعْنِي الدَّسْتَوَائِيَّ قَالَ: كَتَبَ إِلَيَّ يَحْيَى بْنُ أَبِي كَثِيرٍ يُحَدِّثُ عَنْ يَعْلَى ابْنِ حَكِيمٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ؛ أَنَّهُ كَانَ يَقُولُ فِي الْحَرَامِ: يَمِينٌ يُكَفِّرُهَا.

وَقَالَ ابْنُ عَبَّاسٍ: ﴿لَّقَدْ كَانَ لَكُمْ فِي رَسُولِ ٱللَّهِ أُسْوَةٌ حَسَنَةٌ﴾ [الأحزاب: ٢١].

**[3677] 19 - (...)** Sa'eed bin Jubair narrated that he heard Ibn 'Abbâs say: "If a man declares his wife to be unlawful for him, this is an oath for which expiation must be offered." And he said: "Indeed in the Messenger of Allâh you have a good example to follow for him..."[2]

[٣٦٧٧] **١٩-(...)** وحَدَّثنا يَحْيَى ابْنُ بِشْرٍ الْحَرِيرِيُّ: حَدَّثَنَا مُعَاوِيَةُ [يَعْنِي] ابْنَ سَلَّامٍ: عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ؛ أَنَّ يَعْلَى بْنَ حَكِيمٍ أَخْبَرَهُ أَنَّ سَعِيدَ بْنَ جُبَيْرٍ أَخْبَرَهُ؛ أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ قَالَ: إِذَا حَرَّمَ الرَّجُلُ عَلَيْهِ امْرَأَتَهُ فَهِيَ يَمِينٌ

[1] *Al-Aḥzâb* 33:21.

[2] *Al-Aḥzâb* 33:21.

يُكَفِّرُهَا وَقَالَ: ﴿لَّقَدْ كَانَ لَكُمْ فِي رَسُولِ ٱللَّهِ أُسْوَةٌ حَسَنَةٌ﴾.

**[3678] 20 - (1474)** 'Âishah narrated that the Prophet ﷺ used to stay with Zainab bint Jahsh and drink honey in her house. She said: "Hafsah and I agreed that whichever of us the Prophet ﷺ entered upon first, she should say: 'I can smell *Maghâfir* on you; have you eaten *Maghâfir*?'[1] He entered upon one of them and she said that to him. He said: 'No, I drank honey at the house of Zainab bint Jahash, but I will never do it again.' Then the following verses were revealed: "Why do you forbid (for yourself) that which Allâh has allowed to you" up to the words, "If you two turn in repentance to Allh"[2] - addressing 'Âishah and Hafsah - The phrase "And (remember) when the Prophet disclosed a matter in confidence to one of his wives" (in verse 3) refers to him saying: 'No, I drank honey.'"

**[٣٦٧٨] ٢٠-(١٤٧٤) وحَدَّثَنِي** مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي عَطَاءٌ؛ أَنَّهُ سَمِعَ عُبَيْدَ بْنَ عُمَيْرٍ يُخْبِرُ؛ أَنَّهُ سَمِعَ عَائِشَةَ تُخْبِرُ؛ أَنَّ النَّبِيَّ ﷺ كَانَ يَمْكُثُ عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ فَيَشْرَبُ عِنْدَهَا عَسَلًا، قَالَتْ: فَتَوَاطَيْتُ أَنَا وَحَفْصَةُ أَنَّ أَيَّتَنَا مَا دَخَلَ عَلَيْهَا النَّبِيُّ ﷺ فَلْتَقُلْ: إِنِّي أَجِدُ مِنْكَ رِيحَ مَغَافِيرَ، أَكَلْتَ مَغَافِيرَ؟ فَدَخَلَ عَلَىٰ إِحْدَاهُمَا فَقَالَتْ ذٰلِكَ لَهُ. فَقَالَ: «بَلْ شَرِبْتُ عَسَلًا عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ وَلَنْ أَعُودَ لَهُ» فَنَزَلَ: ﴿لِمَ تُحَرِّمُ مَآ أَحَلَّ ٱللَّهُ لَكَ﴾ إِلَىٰ قَوْلِهِ ﴿إِن تَتُوبَآ﴾-: لِعَائِشَةَ وَحَفْصَةَ - [التحريم ١-٤] ﴿وَإِذْ أَسَرَّ ٱلنَّبِيُّ إِلَىٰ بَعْضِ أَزْوَٰجِهِۦ حَدِيثًا﴾ - لِقَوْلِهِ: بَلْ شَرِبْتُ عَسَلًا.

**[3679] 21 - (...)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ liked sweets and honey, and when he had prayed *'Asr*, he would go around to his wives and get close to them. He entered upon Hafsah and stayed there longer than he usually did. I

**[٣٦٧٩] ٢١-(...) حَدَّثَنَا** أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ وَهَٰرُونُ بْنُ عَبْدِ اللهِ: قَالَا: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللهِ ﷺ يُحِبُّ الْحَلْوَاءَ وَالْعَسَلَ، فَكَانَ إِذَا

[1] A sweet resin with a bad smell which comes out of a tree or thorny shrub called *'Urfût*.

[2] *At-Tahrîm* 66:1-4.

asked about that and I was told that a woman from among her people had given her a small vessel of honey as a gift, and she had poured some for the Prophet ﷺ to drink. I said: 'By Allâh, we will play a trick on him.' I mentioned that to Sawdah and said: 'When he enters upon you, he will get close to you, so say to him: "O Messenger of Allâh, have you eaten *Maghâfir*?" He will say to you: "No." So say to him: "What is this smell?" - for the Messenger of Allâh ﷺ hated to have any smell coming from him - He will tell you: "Ḥafṣah poured me a drink of honey." Say to him: "The bees must have sipped the nectar of *Al-'Urfuṭ*." I will say that to him too, and you say it as well, O Ṣafiyyah.' Then he entered upon Sawdah." She said: "Sawdah used to say: 'By the One besides Whom there is none worthy of worship, I nearly decided to tell him what you had told me to say, when he was at the door, but I was afraid of you.' When the Messenger of Allâh ﷺ drew close, she said: 'O Messenger of Allâh, have you eaten *Maghâfir*?' He said: 'No.' She said: 'Then what is this smell?' He said: 'Ḥafṣah poured me a drink of honey.' She said: 'The bees must have sipped the nectar of *Al-'Urfuṭ*.' When he entered upon me, I said the same thing, then he entered upon Ṣafiyyah and she said the same thing. When he

صَلَّى الْعَصْرَ، دَارَ عَلَىٰ نِسَائِهِ، فَيَدْنُو
مِنْهُنَّ، فَدَخَلَ عَلَىٰ حَفْصَةَ فَاحْتَبَسَ عِنْدَهَا
أَكْثَرَ مَا كَانَ يَحْتَبِسُ، فَسَأَلْتُ عَنْ ذٰلِكَ،
فَقِيلَ لِي: أَهْدَتْ لَهَا امْرَأَةٌ مِنْ قَوْمِهَا
عُكَّةً مِنْ عَسَلٍ، فَسَقَتْ رَسُولَ اللهِ ﷺ
مِنْهُ شَرْبَةً، فَقُلْتُ: أَمَا وَاللهِ! لَنَحْتَالَنَّ لَهُ،
فَذَكَرْتُ ذَلِكَ لِسَوْدَةَ، وَقُلْتُ: إِذَا دَخَلَ
عَلَيْكِ فَإِنَّهُ سَيَدْنُو مِنْكِ، فَقُولِي لَهُ: يَا
رَسُولَ اللهِ! أَكَلْتَ مَغَافِيرَ؟ فَإِنَّهُ سَيَقُولُ
لَكِ: لَا. فَقُولِي لَهُ: مَا هَٰذِهِ الرِّيحُ؟-
وَكَانَ رَسُولُ اللهِ ﷺ يَشْتَدُّ عَلَيْهِ أَنْ يُوجَدَ
مِنْهُ الرِّيحُ - فَإِنَّهُ سَيَقُولُ لَكِ: سَقَتْنِي
حَفْصَةُ شَرْبَةَ عَسَلٍ، فَقُولِي لَهُ: جَرَسَتْ
نَحْلُهُ الْعُرْفُطَ، وَسَأَقُولُ ذٰلِكَ لَهُ، وَقُولِيهِ
أَنْتِ يَا صَفِيَّةُ! فَلَمَّا دَخَلَ عَلَىٰ سَوْدَةَ،
قَالَتْ: تَقُولُ سَوْدَةُ: وَالَّذِي لَا إِلٰهَ إِلَّا
هُوَ! لَقَدْ كِدْتُ أَنْ أُبَادِيَهُ بِالَّذِي قُلْتِ لِي
- وَإِنَّهُ لَعَلَى الْبَابِ - فَرَقًا مِنْكِ، فَلَمَّا
دَنَا رَسُولُ اللهِ ﷺ قَالَتْ: يَا رَسُولَ اللهِ!
أَكَلْتَ مَغَافِيرَ؟ قَالَ: «لَا». قَالَتْ: فَمَا
هَٰذِهِ الرِّيحُ؟ قَالَ: «سَقَتْنِي حَفْصَةُ شَرْبَةَ
عَسَلٍ»، قَالَتْ: جَرَسَتْ نَحْلُهُ الْعُرْفُطَ.
فَلَمَّا دَخَلَ عَلَيَّ قُلْتُ لَهُ مِثْلَ ذٰلِكَ، ثُمَّ
دَخَلَ عَلَىٰ صَفِيَّةَ فَقَالَتْ مِثْلَ ذٰلِكَ، فَلَمَّا

entered upon Ḥafṣah she said: 'O Messenger of Allâh, shall I pour you some?' He said: 'I have no need of it.'"

"Sawdah said: '*Subḥân-Allâh*, we have deprived him of it.' I said to her: 'Be quiet!'"

دَخَلَ عَلَىٰ حَفْصَةَ قَالَتْ: يَا رَسُولَ اللهِ! أَلَا أَسْقِيكَ مِنْهُ؟ قَالَ: «لَا حَاجَةَ لِي بِهِ».

قَالَتْ تَقُولُ سَوْدَةُ: سُبْحَانَ اللهِ! وَاللهِ! لَقَدْ حَرَمْنَاهُ، قَالَتْ: قُلْتُ لَهَا: اسْكُتِي.

- قَالَ أَبُو إِسْحَٰقَ إِبْرَاهِيمُ: حَدَّثَنَا الْحَسَنُ بْنُ بِشْرِ [بْنِ الْقَاسِمِ]: حَدَّثَنَا أَبُو أُسَامَةَ بِهَٰذَا سَوَاءً.

**[3680] (...)** A similar report (as no. 3679) was narrated from Hishâm bin 'Urwah with this chain.

[٣٦٨٠] (...) **وَحَدَّثَنِيهِ** سُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، عَنْ هِشَامِ ابْنِ عُرْوَةَ، بِهَٰذَا الْإِسْنَادِ نَحْوَهُ.

## Chapter 4. Giving One's Wife The Choice Does Not Count As A Divorce, Unless It Is Intended As Such

## (المعجم ٤) - (بَابُ بيان أن تخييرهُ امرأته لا يكون طلاقًا إلا بالنّية)

(التحفة ٤)

**[3681] 22 - (1475)** 'Âishah said: "When the Messenger of Allâh ﷺ was commanded to give his wives the choice, he started with me. He said: 'I am going to tell you something, and you must not hasten to decide until you consult your parents.' He knew that my parents would never tell me to leave him. Then he said: 'Allâh [the Mighty and Sublime] says: O Prophet! Say to your wives: "If you desire the life of this world, and its glitter, then come! I will make a provision for you and set you free in a handsome manner (divorce). But if you desire Allâh

[٣٦٨١] **٢٢-(١٤٧٥) وحَدَّثَني** أَبُو الطَّاهِرِ: حَدَّثَنَا ابنُ وَهْبٍ؛ قَالَ: وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَىٰ التُّجِيبِيُّ - وَاللَّفْظُ لَهُ -: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: حَدَّثَنِي يُونُسُ بْنُ يَزِيدَ عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَٰنِ بْنِ عَوْفٍ؛ أَنَّ عَائِشَةَ قَالَتْ: لَمَّا أُمِرَ رَسُولُ اللهِ ﷺ بِتَخْيِيرِ أَزْوَاجِهِ بَدَأَ بِي فَقَالَ: «إِنِّي ذَاكِرٌ لَكِ أَمْرًا، فَلَا عَلَيْكِ أَنْ لَا تَعْجَلِي حَتَّىٰ تَسْتَأْمِرِي أَبَوَيْكِ». قَالَتْ:

and His Messenger, and the Home of the Hereafter, then verily, Allâh has prepared for *Al-Muhsinât* (good-doers) amongst you an enormous reward.'"[1] She said: I told him: 'Why would I need to consult my parents about this? For surely I desire Allâh and His Messenger and the Home of the Hereafter.' Then the wives of the Messenger of Allâh ﷺ all did the same as I had done."

قَدْ عَلِمَ أَنَّ أَبَوَيَّ لَمْ يَكُونَا لِيَأْمُرَانِي بِفِرَاقِهِ، قَالَتْ: ثُمَّ قَالَ: «إِنَّ اللهَ [عَزَّ وَجَلَّ] قَالَ: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ قُل لِّأَزْوَٰجِكَ إِن كُنتُنَّ تُرِدْنَ ٱلْحَيَوٰةَ ٱلدُّنْيَا وَزِينَتَهَا فَتَعَالَيْنَ أُمَتِّعْكُنَّ وَأُسَرِّحْكُنَّ سَرَاحًا جَمِيلًا وَإِن كُنتُنَّ تُرِدْنَ ٱللَّهَ وَرَسُولَهُۥ وَٱلدَّارَ ٱلْآخِرَةَ فَإِنَّ ٱللَّهَ أَعَدَّ لِلْمُحْسِنَٰتِ مِنكُنَّ أَجْرًا عَظِيمًا﴾ [الأحزاب: ٢٨ و٢٩] قَالَتْ قُلْتُ: فِي أَيِّ هَٰذَا أَسْتَأْمِرُ أَبَوَيَّ؟ فَإِنِّي أُرِيدُ اللهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ، قَالَتْ: ثُمَّ فَعَلَ أَزْوَاجُ رَسُولِ اللهِ ﷺ مِثْلَ مَا فَعَلْتُ. [انظر: ٣٦٩٦]

**[3682] 23 - (1476)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ used to ask us for permission - if it was the day of one of us - after the verse "You can postpone (the turn of) whom you will of them (your wives), and you may receive whom you will."[2] was revealed. Mu'âdhah said to her: 'What did you say to the Messenger of Allâh ﷺ when he asked you for permission?' She said: 'If it had been up to me I would not have shown preference to anyone over myself.'"

**[٣٦٨٢] ٢٣-(١٤٧٦)** حَدَّثَنَا سُرَيْجُ ابْنُ يُونُسَ: حَدَّثَنَا عَبَّادُ بْنُ عَبَّادٍ عَنْ عَاصِمٍ، عَنْ مُعَاذَةَ الْعَدَوِيَّةِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللهِ ﷺ يَسْتَأْذِنُنَا - إِذَا كَانَ فِي يَوْمِ الْمَرْأَةِ مِنَّا - بَعْدَ مَا نَزَلَتْ: ﴿تُرْجِى مَن تَشَآءُ مِنْهُنَّ وَتُـْٔوِىٓ إِلَيْكَ مَن تَشَآءُ﴾ [الأحزاب: ٥١] فَقَالَتْ لَهَا مُعَاذَةُ: فَمَا كُنْتِ تَقُولِينَ لِرَسُولِ اللهِ ﷺ إِذَا اسْتَأْذَنَكِ؟ قَالَتْ كُنْتُ أَقُولُ: إِنْ كَانَ ذَٰلِكَ إِلَيَّ لَمْ أُوثِرْ أَحَدًا عَلَىٰ نَفْسِي.

[1] *Al-Ahzâb* 33:28, 29.

[2] *Al-Ahzâb* 33:51.

**[3683]** **(...)** A similar report (as no. 3682) was narrated by 'Âṣim.

[٣٦٨٣] ( . . . ) **وحَدَّثَناه** الْحَسَنُ بْنُ عِيسَىٰ: أَخْبَرَنَا ابْنُ الْمُبَارَكِ: أَخْبَرَنَا عَاصِمٌ بِهٰذَا الْإِسْنَادِ نَحْوَهُ،

**[3684] 24 - (1477)** It was narrated that Masrûq said: "'Âi<u>sh</u>ah said: 'The Messenger of Allâh ﷺ gave us the choice but we did not count it as a divorce.'"

[٣٦٨٤] **٢٤-(١٤٧٧) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا عَبْثَرٌ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ قَالَ: قَالَتْ عَائِشَةُ: قَدْ خَيَّرَنَا رَسُولُ اللهِ ﷺ فَلَمْ نَعُدَّهُ طَلَاقًا.

**[3685] 25 - (...)** It was narrated that Masrûq said: "I would not care if I gave my wife the choice once or a hundred times or a thousand times, after she has chosen me. I asked 'Âi<u>sh</u>ah and she said: 'The Messenger of Allâh ﷺ gave us the choice - was that a divorce?'"

[٣٦٨٥] **٢٥-( . . . ) حَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ قَالَ: مَا أُبَالِي خَيَّرْتُ امْرَأَتِي وَاحِدَةً أَوْ مِائَةً أَوْ أَلْفًا، بَعْدَ أَنْ تَخْتَارَنِي، وَلَقَدْ سَأَلْتُ عَائِشَةَ فَقَالَتْ: قَدْ خَيَّرَنَا رَسُولُ اللهِ ﷺ، أَفَكَانَ طَلَاقًا!؟.

**[3686] 26 - (...)** It was narrated from 'Âi<u>sh</u>ah that the Messenger of Allâh ﷺ gave his wives the choice, and that was not a divorce.

[٣٦٨٦] **٢٦-( . . . ) حَدَّثَنَا** مُحَمَّدُ ابْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ خَيَّرَ نِسَاءَهُ، فَلَمْ يَكُنْ طَلَاقًا.

**[3687] 27 - (...)** It was narrated that 'Âi<u>sh</u>ah said: "The Messenger of Allâh ﷺ gave us the choice and

[٣٦٨٧] **٢٧-( . . . ) وحَدَّثَني** إِسْحَٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّحْمَٰنِ، عَنْ

we chose him, and he did not count that as a divorce."

سُفْيَانَ، عَنْ عَاصِمٍ الْأَحْوَلِ وَإِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: خَيَّرَنَا رَسُولُ اللهِ ﷺ فَاخْتَرْنَاهُ، فَلَمْ يَعُدَّهُ طَلَاقًا.

**[3688] 28 - (...)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ gave us the choice and we chose him, and he did not count that as anything against us."

**[٣٦٨٨] ٢٨-(...)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ وأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ - قَالَ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: خَيَّرَنَا رَسُولُ اللهِ ﷺ فَاخْتَرْنَاهُ، فَلَمْ يَعْدُدْهَا عَلَيْنَا شَيْئًا.

**[3689] (...)** A similar report (as no. 3688) was narrated from 'Âishah.

**[٣٦٨٩] (...)** حَدَّثَنِي أَبُو الرَّبِيعِ الزَّهْرَانِيُّ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ زَكَرِيَّاءَ: حَدَّثَنَا الْأَعْمَشُ عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ - وَعَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ بِمِثْلِهِ.

**[3690] 29 - (1478)** It was narrated that Jâbir bin 'Abdullâh said: "Abû Bakr came in, seeking permission to enter upon the Messenger of Allâh ﷺ, and he found the people sitting at his door, and they were not given permission to enter. Permission was given to Abû Bakr and he entered. Then 'Umar came and asked for permission, and

**[٣٦٩٠] ٢٩-(١٤٧٨)** وحَدَّثَنَا زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ: حَدَّثَنَا زَكَرِيَّاءُ بْنُ إِسْحٰقَ: حَدَّثَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: دَخَلَ أَبُو بَكْرٍ يَسْتَأْذِنُ عَلَىٰ رَسُولِ اللهِ ﷺ، فَوَجَدَ النَّاسَ جُلُوسًا بِبَابِهِ، لَمْ يُؤْذَنْ لِأَحَدٍ مِنْهُمْ- قَالَ -: فَأُذِنَ لِأَبِي بَكْرٍ فَدَخَلَ،

permission was granted. He found the Messenger of Allâh ﷺ sitting silently, with his wives around him. He said: 'I am going to say something to you which will make the Prophet ﷺ smile.' He said: 'O Messenger of Allâh, if you had seen the daughter of Khârijah asking me for (more) maintenance, and I got up and poked her on the neck.' The Messenger of Allâh ﷺ smiled and said: 'They are around me, as you can see, asking me for (more) maintenance.' Abû Bakr got up and poked 'Âishah on the neck, and 'Umar got up and poked Hafsah on the neck, and both of them said: 'Are you asking the Messenger of Allâh ﷺ for that which he does not have?' They said: 'By Allâh, we will never ask the Messenger of Allâh ﷺ for something that he does not have.' Then he (ﷺ) stayed away from them for a month or twenty-nine days, then this verse was revealed to him: O Prophet! Say to your wives: "If you desire the life of this world, and its glitter, then come! I will make a provision for you and set you free in a handsome manner (divorce). But if you desire Allâh and His Messenger, and the Home of the Hereafter, then verily, Allâh has prepared for *Al-Muhsinât*[1] (good doers) amongst you an enormous reward." He started with 'Âishah.

ثُمَّ أَقْبَلَ عُمَرُ فَاسْتَأْذَنَ فَأُذِنَ لَهُ، فَوَجَدَ النَّبِيَّ ﷺ جَالِسًا- حَوْلَهُ نِسَاؤُهُ - وَاجِمًا سَاكِتًا - قَالَ -: فَقَالَ: لَأَقُولَنَّ شَيْئًا أُضْحِكُ النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! لَوْ رَأَيْتَ بِنْتَ خَارِجَةَ سَأَلَتْنِي النَّفَقَةَ فَقُمْتُ إِلَيْهَا فَوَجَأْتُ عُنُقَهَا، فَضَحِكَ رَسُولُ اللهِ ﷺ وَقَالَ: «هُنَّ حَوْلِي كَمَا تَرَىٰ، يَسْأَلْنَنِي النَّفَقَةَ، فَقَامَ أَبُو بَكْرٍ إِلَىٰ عَائِشَةَ يَجَأُ عُنُقَهَا، وَقَامَ عُمَرُ إِلَىٰ حَفْصَةَ يَجَأُ عُنُقَهَا، كِلَاهُمَا يَقُولُ: تَسْأَلْنَ رَسُولَ اللهِ ﷺ مَا لَيْسَ عِنْدَهُ. قُلْنَ: وَاللهِ! لَا نَسْأَلُ رَسُولَ اللهِ ﷺ شَيْئًا أَبَدًا لَيْسَ عِنْدَهُ، ثُمَّ اعْتَزَلَهُنَّ شَهْرًا أَوْ تِسْعًا وَعِشْرِينَ، ثُمَّ نَزَلَتْ عَلَيْهِ هَٰذِهِ الْآيَةُ: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ قُل لِّأَزْوَٰجِكَ﴾ - حَتَّىٰ بَلَغَ- ﴿لِلْمُحْسِنَٰتِ مِنكُنَّ أَجْرًا عَظِيمًا﴾ قَالَ: فَبَدَأَ بِعَائِشَةَ فَقَالَ: «يَا عَائِشَةُ! إِنِّي أُرِيدُ أَنْ أَعْرِضَ عَلَيْكِ أَمْرًا أُحِبُّ أَنْ لَا تَعْجَلِي فِيهِ حَتَّىٰ تَسْتَشِيرِي أَبَوَيْكِ» قَالَتْ: وَمَا هُوَ؟ يَا رَسُولَ اللهِ! فَتَلَا عَلَيْهَا هَٰذِهِ الْآيَةَ. قَالَتْ: أَفِيكَ، يَا رَسُولَ اللهِ! أَسْتَشِيرُ أَبَوَيَّ؟ بَلْ أَخْتَارُ اللهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ، وَأَسْأَلُكَ أَنْ لَا تُخْبِرَ

[1] *Al-Ahzâb* 33:28-29.

He said: 'O 'Âishah, I want to suggest something to you, but I want you not to rush to answer until you consult your parents.' She said: 'What is it, O Messenger of Allâh?' He recited this verse to her and she said: 'Do I need to consult my parents (concerning you), O Messenger of Allâh? No, I choose Allâh and His Messenger and the Home of the Hereafter. But I ask you not to tell any of your wives what I have said.' He said: 'None of them will ask, but I will tell her. Allâh did not send me to make things hard for people in the hope that they would make mistakes, rather He sent me to teach and make things easy.'"

امْرَأَةً مِنْ نِسَائِكَ بِالَّذِي قُلْتُ. قَالَ: «لَا تَسْأَلُنِي امْرَأَةٌ مِنْهُنَّ إِلَّا أَخْبَرْتُهَا، إِنَّ اللهَ تَعَالَىٰ لَمْ يَبْعَثْنِي مُعَنِّتًا وَلَا مُتَعَنِّتًا، وَلَٰكِنْ بَعَثَنِي مُعَلِّمًا مُيَسِّرًا».

## Chapter 5. *Îlâ'*,[1] Keeping Away From One's Wives And Giving Them The Choice, And The Saying Of Allâh, The Most High: "But If You Help One Another Against Him..."[2]

## (المعجم ٥) - (بَابٌ فِي الإِيلاءِ واعتزال النساء وتخييرهن، وقوله تعالى: وإن تظاهرا عليه) (التحفة ٥)

**[3691] 30 - (1479)** 'Abdullâh bin 'Abbâs narrated: "'Umar bin Al-Khaṭṭâb told me: 'When the Prophet of Allâh ﷺ stayed away from his wives, I entered the *Masjid* and saw the people striking the ground with pebbles and saying: "The Messenger of Allâh ﷺ has divorced his wives." That was before *Ḥijâb* had been enjoined upon them.' 'Umar said:

[٣٦٩١] ٣٠-(١٤٧٩) حَدَّثَنِي زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا عُمَرُ بْنُ يُونُسَ الْحَنَفِيُّ: حَدَّثَنَا عِكْرِمَةُ بْنُ عَمَّارٍ عَنْ سِمَاكٍ أَبِي زُمَيْلٍ: حَدَّثَنِي عَبْدُ اللهِ بْنُ عَبَّاسٍ: حَدَّثَنِي عُمَرُ بْنُ الْخَطَّابِ قَالَ: لَمَّا اعْتَزَلَ نَبِيُّ اللهِ ﷺ نِسَاءَهُ قَالَ: دَخَلْتُ الْمَسْجِدَ، فَإِذَا النَّاسُ يَنْكُتُونَ

[1] Vowing to stay away from one's wife for a certain period of time.

[2] *At-Taḥrîm* 66:4.

'I said: "I must find out about this today." So I entered upon 'Âi<u>sh</u>ah and said: "O daughter of Abû Bakr, have you gone so far that you annoy the Messenger of Allâh ﷺ?" She said: "What have I to do with you, O son of Al-<u>Kh</u>aṭṭâb? You should pay attention to your own daughter." So I entered upon Ḥafṣah bint 'Umar and said to her: "O Ḥafṣah, have you gone so far that you annoy the Messenger of Allâh ﷺ? By Allâh you know that the Messenger of Allâh ﷺ does not love you, and were it not for me the Messenger of Allâh ﷺ would have divorced you." She began to weep bitterly, and I said to her: "Where is the Messenger of Allâh ﷺ?" She said: "He is in his store room in the loft."

I went in and I saw Rabâ<u>h</u>, the slave of the Messenger of Allâh ﷺ, sitting at the threshold of the loft, with his legs dangling on the hollow wood of the tree trunk on which the Messenger of Allâh ﷺ used to climb up and down. I called out: "O Rabâ<u>h</u>, ask the Messenger of Allâh ﷺ for permission for me to enter." Rabâ<u>h</u> looked into the room, then he looked at me and did not say anything. Then I said: "O Rabâ<u>h</u>, ask the Messenger of Allâh ﷺ for permission for me to enter." Rabâ<u>h</u> looked into the room, then he looked at me and

بِالْحَصَىٰ وَيَقُولُونَ: طَلَّقَ رَسُولُ اللهِ ﷺ نِسَاءَهُ، وَذٰلِكَ قَبْلَ أَنْ يُؤْمَرْنَ بِالْحِجَابِ - قَالَ عُمَرُ - فَقُلْتُ: لَأَعْلَمَنَّ ذَلِكَ الْيَوْمَ - قَالَ -: فَدَخَلْتُ عَلَىٰ عَائِشَةَ، فَقُلْتُ: يَا بِنْتَ أَبِي بَكْرٍ! أَقَدْ بَلَغَ مِنْ شَأْنِكِ أَنْ تُؤْذِي رَسُولَ اللهِ ﷺ؟ فَقَالَتْ: مَا لِي وَمَا لَكَ يَا ابْنَ الْخَطَّابِ؟ عَلَيْكَ بِعَيْبَتِكَ. قَالَ: فَدَخَلْتُ عَلَىٰ حَفْصَةَ بِنْتِ عُمَرَ، فَقُلْتُ لَهَا: يَا حَفْصَةُ! أَقَدْ بَلَغَ مِنْ شَأْنِكِ أَنْ تُؤْذِي رَسُولَ اللهِ ﷺ؟ وَاللهِ! لَقَدْ عَلِمْتِ أَنَّ رَسُولَ اللهِ ﷺ لَا يُحِبُّكِ، وَلَوْلَا أَنَا لَطَلَّقَكِ رَسُولُ اللهِ ﷺ، فَبَكَتْ أَشَدَّ الْبُكَاءِ، فَقُلْتُ لَهَا: أَيْنَ رَسُولُ اللهِ ﷺ؟ قَالَتْ: هُوَ فِي خِزَانَتِهِ فِي الْمَشْرُبَةِ، فَدَخَلْتُ فَإِذَا أَنَا بِرَبَاحٍ غُلَامِ رَسُولِ اللهِ ﷺ قَاعِدًا عَلَىٰ أُسْكُفَّةِ الْمَشْرُبَةِ، مُدَلٍّ رِجْلَيْهِ عَلَىٰ نَقِيرٍ مِنْ خَشَبٍ، وَهُوَ جِذْعٌ يَرْقَىٰ عَلَيْهِ رَسُولُ اللهِ ﷺ وَيَنْحَدِرُ، فَنَادَيْتُ: يَا رَبَاحُ! اسْتَأْذِنْ لِي عِنْدَكَ عَلَىٰ رَسُولِ اللهِ ﷺ، فَنَظَرَ رَبَاحٌ إِلَىٰ الْغُرْفَةِ ثُمَّ نَظَرَ إِلَيَّ فَلَمْ يَقُلْ شَيْئًا، ثُمَّ قُلْتُ: يَا رَبَاحُ! اسْتَأْذِنْ لِي عِنْدَكَ عَلَىٰ رَسُولِ اللهِ ﷺ، فَنَظَرَ رَبَاحٌ إِلَىٰ الْغُرْفَةِ ثُمَّ نَظَرَ إِلَيَّ فَلَمْ يَقُلْ شَيْئًا، ثُمَّ

did not say anything. Then I raised my voice and said: "O Rabâh! Ask for the Messenger of Allâh ﷺ for permission for me to enter, for I think that the Messenger of Allâh ﷺ thinks that I have come because of Hafsah, but by Allâh, if the Messenger of Allâh ﷺ tells me to strike her neck, I will certainly do it." I raised my voice, then he gestured to me to climb up. I entered upon the Messenger of Allâh ﷺ and found him lying on a reed mat. I sat down, and he drew his *Izâr* up over him. He was not wearing anything else and I could see that the reed mat had left marks on his side. I looked around the store room of the Messenger of Allâh ﷺ and all I saw was a handful of barley, about a *Sâ'*, and an equal amount of *Qaraz*[1] in the corner of the room, and I saw a half-tanned piece of leather hanging up. My eyes filled with tears and he said: "Why are you weeping, O son of Al-Khattâb?" I said: "O Prophet of Allâh, why shouldn't I weep when this reed mat has left marks on your side, and this is your store room, and all I see in it is what I see, when this Caesar and this Kisra are living lives of plenty, but you are the Messenger of Allâh ﷺ and His chosen one, and this is your store

رَفَعْتُ صَوْتِي فَقُلْتُ: يَا رَبَاحُ! اسْتَأْذِنْ لِي عِنْدَكَ عَلَىٰ رَسُولِ اللهِ ﷺ، فَإِنِّي أَظُنُّ أَنَّ رَسُولَ اللهِ ﷺ ظَنَّ أَنِّي جِئْتُ مِنْ أَجْلِ حَفْصَةَ، وَاللهِ! لَئِنْ أَمَرَنِي رَسُولُ اللهِ ﷺ بِضَرْبِ عُنُقِهَا لَأَضْرِبَنَّ عُنُقَهَا، وَرَفَعْتُ صَوْتِي، فَأَوْمَأَ إِلَيَّ أَنِ ارْقَهْ، فَدَخَلْتُ عَلَىٰ رَسُولِ اللهِ ﷺ وَهُوَ مُضْطَجِعٌ عَلَىٰ حَصِيرٍ فَجَلَسْتُ، فَأَدْنَىٰ عَلَيْهِ إِزَارَهُ، وَلَيْسَ عَلَيْهِ غَيْرُهُ، وَإِذَا الْحَصِيرُ قَدْ أَثَّرَ فِي جَنْبِهِ، فَنَظَرْتُ بِبَصَرِي فِي خِزَانَةِ رَسُولِ اللهِ ﷺ، فَإِذَا أَنَا بِقَبْضَةٍ مِنْ شَعِيرٍ نَحْوِ الصَّاعِ، وَمِثْلِهَا قَرَظًا فِي نَاحِيَةِ الْغُرْفَةِ، وَإِذَا أَفِيقٌ مُعَلَّقٌ، - قَالَ -: فَابْتَدَرَتْ عَيْنَايَ. قَالَ: «مَا يُبْكِيكَ؟ يَا ابْنَ الْخَطَّابِ!» قُلْتُ: يَا نَبِيَّ اللهِ! وَمَا لِي لَا أَبْكِي؟ وَهَٰذَا الْحَصِيرُ قَدْ أَثَّرَ فِي جَنْبِكَ، وَهَٰذِهِ خِزَانَتُكَ لَا أَرَىٰ فِيهَا إِلَّا مَا أَرَىٰ، وَذَاكَ قَيْصَرُ وَكِسْرَىٰ فِي الثِّمَارِ وَالْأَنْهَارِ، وَأَنْتَ رَسُولُ اللهِ ﷺ وَصَفْوَتُهُ، وَهَٰذِهِ خِزَانَتُكَ. فَقَالَ: «يَا ابْنَ الْخَطَّابِ! أَلَا تَرْضَىٰ أَنْ تَكُونَ لَنَا الْآخِرَةُ وَلَهُمُ الدُّنْيَا؟» قُلْتُ: بَلَىٰ. قَالَ: وَدَخَلْتُ عَلَيْهِ حِينَ دَخَلْتُ وَأَنَا أَرَىٰ فِي وَجْهِهِ

[1] Leaves of *mimosa flava* used for dyeing.

room?" He said: "O son of Al-Khattâb, does it not please you that the Hereafter is for us and this world is for them?" I said: "Yes." And when I entered upon him I saw signs of anger on his face. I said: "O Messenger of Allâh, why are you so upset about these women? If you divorce them, Allâh is with you, and the Angels and Jibrîl and Mikâ'îl, and myself and Abû Bakr and the believers will be with you." Seldom did I speak words - praise be to Allâh - but I hoped that Allah would confirm what I said. Then this verse, the verse of choice, was revealed: "It may be if he divorced you (all) that his Lord will give him instead of you, wives better than you...",[1] "...But if you help one another against him, then verily, Allâh is his *Maulâ* (Lord, or Master, or Protector), and Jibrîl (Gabriel), and the righteous among the believers; and furthermore, the Angels are his helpers".[2] 'Âishah bint Abî Bakr and Hafsah had helped one another against the other wives of the Prophet ﷺ."

I said: "O Messenger of Allâh, have you divorced them?" He said: "No." I said: "O Messenger of Allâh, I entered the *Masjid* and the Muslims were striking the ground with the pebbles and

الْغَضَبَ، فَقُلْتُ: يَا رَسُولَ اللهِ! مَا يَشُقُّ عَلَيْكَ مِنْ شَأْنِ النِّسَاءِ؟ فَإِنْ كُنْتَ طَلَّقْتَهُنَّ فَإِنَّ اللهَ مَعَكَ وَمَلَائِكَتَهُ وَجِبْرِيلَ وَمِيكَائِيلَ، وَأَنَا وَأَبُو بَكْرٍ وَالْمُؤْمِنُونَ مَعَكَ، وَقَلَّمَا تَكَلَّمْتُ - وَأَحْمَدُ اللهَ - بِكَلَامٍ إِلَّا رَجَوْتُ أَنْ يَكُونَ اللهُ يُصَدِّقُ قَوْلِي الَّذِي أَقُولُ. وَنَزَلَتْ هَٰذِهِ الْآيَةُ آيَةُ التَّخْيِيرِ: ﴿عَسَىٰ رَبُّهُۥٓ إِن طَلَّقَكُنَّ أَن يُبْدِلَهُۥٓ أَزْوَٰجًا خَيْرًا مِّنكُنَّ﴾ [التحريم: ٥] ﴿وَإِن تَظَٰهَرَا عَلَيْهِ فَإِنَّ ٱللَّهَ هُوَ مَوْلَىٰهُ وَجِبْرِيلُ وَصَٰلِحُ ٱلْمُؤْمِنِينَ وَٱلْمَلَٰٓئِكَةُ بَعْدَ ذَٰلِكَ ظَهِيرٌ﴾ [التحريم: ٤] وَكَانَتْ عَائِشَةُ بِنْتُ أَبِي بَكْرٍ وَحَفْصَةُ تَظَاهَرَانِ عَلَىٰ سَائِرِ نِسَاءِ النَّبِيِّ ﷺ، فَقُلْتُ: يَا رَسُولَ اللهِ! أَطَلَّقْتَهُنَّ؟ قَالَ: «لَا» قُلْتُ: يَا رَسُولَ اللهِ! إِنِّي دَخَلْتُ الْمَسْجِدَ وَالْمُسْلِمُونَ يَنْكُتُونَ بِالْحَصَىٰ، يَقُولُونَ: طَلَّقَ رَسُولُ اللهِ ﷺ نِسَاءَهُ، أَفَأَنْزِلُ فَأُخْبِرَهُمْ أَنَّكَ لَمْ تُطَلِّقْهُنَّ؟ قَالَ: «نَعَمْ، إِنْ شِئْتَ» فَلَمْ أَزَلْ أُحَدِّثُهُ حَتَّى تَحَسَّرَ الْغَضَبُ عَنْ وَجْهِهِ، وَحَتَّى كَشَرَ فَضَحِكَ، وَكَانَ مِنْ أَحْسَنِ النَّاسِ ثَغْرًا، ثُمَّ نَزَلَ نَبِيُّ اللهِ ﷺ فَنَزَلْتُ

[1] *At-Tahrîm* 66:5.

[2] *At-Tahrîm* 66:4.

saying that the Messenger of Allâh ﷺ has divorced his wives. Shall I go down and tell them that you have not divorced them?" He said: "Yes, if you wish." I kept on talking to him until the signs of anger disappeared from his face, and until he began to smile, and he had the most handsome teeth of any people. Then the Prophet of Allâh ﷺ went down and I went down clinging to the tree trunk, while the Messenger of Allâh ﷺ went down as if he was walking on the ground, not holding on with his hand. I said: "O Messenger of Allâh, you were in that room for twenty-nine days."

He said: "The month may be twenty-nine days." I stood at the door of the *Masjid* and called out at the top of my voice: "The Messenger of Allâh ﷺ has not divorced his wives, and this verse has been revealed: When there comes to them some matter touching (public) safety or fear, they make it known (among the people); if only they had referred it to the Messenger or to those charged with authority among them, the proper investigators would have understood it from them (directly)..."[1] I understood this matter, and Allâh [the Mighty and Sublime] revealed the verse of choice.

أَتَشَبَّثُ بِالْجِذْعِ، وَنَزَلَ رَسُولُ اللهِ ﷺ كَأَنَّمَا يَمْشِي عَلَىٰ الأَرْضِ مَا يَمَسُّهُ بِيَدِهِ، فَقُلْتُ: يَا رَسُولَ اللهِ! إِنَّما كُنْتَ فِي الْغُرْفَةِ تِسْعَةً وَعِشْرِينَ. قَالَ: «إِنَّ الشَّهْرَ يَكُونُ تِسْعًا وَعِشْرِينَ» فَقُمْتُ عَلَىٰ بَابِ الْمَسْجِدِ، فَنَادَيْتُ بِأَعْلَىٰ صَوتِي: لَمْ يُطَلِّقْ [رَسُولُ اللهِ ﷺ] نِسَاءَهُ، وَنَزَلَتْ هَٰذِهِ الآيَةُ: ﴿وَإِذَا جَآءَهُمْ أَمْرٌ مِّنَ ٱلْأَمْنِ أَوِ ٱلْخَوْفِ أَذَاعُوا۟ بِهِۦ ۖ وَلَوْ رَدُّوهُ إِلَى ٱلرَّسُولِ وَإِلَىٰٓ أُو۟لِى ٱلْأَمْرِ مِنْهُمْ لَعَلِمَهُ ٱلَّذِينَ يَسْتَنۢبِطُونَهُۥ مِنْهُمْ﴾ [النساء:٨٣] فَكُنْتُ أَنَا اسْتَنْبَطْتُ ذٰلِكَ الأَمْرَ، وَأَنْزَلَ اللهُ [عَزَّ وَجَلَّ] آيَةَ التَّخْيِيرِ.

**[3692] 31 - (...)** 'Abdullâh bin 'Abbâs narrated: "For one year I

[٣٦٩٢] ٣١-(...) حَدَّثَنَا هَرُونُ

[1] *An-Nisâ'* 83.

wanted to ask 'Umar bin Al-Khaṭṭâb about a verse, but I could not ask him out of respect for him, until he went out for *Ḥajj*, and I went with him. When he came back, while we were partway along the road, he went aside to an *Arâk* tree to relieve himself. I waited until he had finished, then I walked with him and said: 'O Commander of the Believers, who are the two wives who helped one another against the Messenger of Allâh ﷺ?' He said: 'That was Ḥafṣah and 'Âishah.'I said to him: 'By Allâh, I wanted to ask you about that for a year but I could not, out of respect for you.' He said: 'Do not do that. If you think that I have any knowledge, then ask me about it, and if I know I will tell you."

And 'Umar said: 'By Allâh, during the *Jâhiliyyah* we had no regard for woman, until Allâh revealed what He revealed concerning them, and allotted to them what He allotted to them. While I was thinking about some matter, my wife said to me: I wish that you had done such-and-such. I said to her: What does it have to do with you? Why are you worried about what I want to do? She said to me: How strange it is, O son of Al-Khaṭṭâb, that you do not want me to argue with you! Your daughter argues with the Messenger of Allâh ﷺ until he spends the whole day angry.'"

"Umar said: 'I picked up my

ابْنُ سَعِيدٍ الْأَيْلِيُّ: حَدَّثَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ: أَخْبَرَنِي يَحْيَىٰ: أَخْبَرَنِي عُبَيْدُ بْنُ حُنَيْنٍ؛ أَنَّهُ سَمِعَ عَبْدَ اللهِ بْنَ عَبَّاسٍ يُحَدِّثُ قَالَ: مَكَثْتُ سَنَةً وَأَنَا أُرِيدُ أَنْ أَسْأَلَ عُمَرَ بْنَ الْخَطَّابِ عَنْ آيَةٍ، فَمَا أَسْتَطِيعُ أَنْ أَسْأَلَهُ هَيْبَةً لَهُ، حَتَّى خَرَجَ حَاجًّا فَخَرَجْتُ مَعَهُ، فَلَمَّا رَجَعَ، فَكُنَّا بِبَعْضِ الطَّرِيقِ، عَدَلَ إِلَىٰ الْأَرَاكِ لِحَاجَةٍ لَهُ، فَوَقَفْتُ لَهُ حَتَّى فَرَغَ ثُمَّ سِرْتُ مَعَهُ، فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ! مَنِ اللَّتَانِ تَظَاهَرَتَا عَلَىٰ رَسُولِ اللهِ ﷺ مِنْ أَزْوَاجِهِ؟ فَقَالَ: تِلْكَ حَفْصَةُ وَعَائِشَةُ- قَالَ - فَقُلْتُ لَهُ: وَاللهِ! إِنْ كُنْتُ لَأُرِيدُ أَنْ أَسْأَلَكَ عَنْ هَٰذَا مُنْذُ سَنَةٍ فَمَا أَسْتَطِيعُ هَيْبَةً لَكَ. قَالَ: فَلَا تَفْعَلْ، مَا ظَنَنْتَ أَنَّ عِنْدِي مِنْ عِلْمٍ فَسَلْنِي عَنْهُ، فَإِنْ كُنْتُ أَعْلَمُهُ أَخْبَرْتُكَ - قَالَ -: وَقَالَ عُمَرُ: وَاللهِ! إِنْ كُنَّا فِي الْجَاهِلِيَّةِ مَا نَعُدُّ لِلنِّسَاءِ أَمْرًا، حَتَّى أَنْزَلَ اللهُ [تَعَالَىٰ] فِيهِنَّ مَا أَنْزَلَ، وَقَسَمَ لَهُنَّ مَا قَسَمَ - قَالَ -: فَبَيْنَمَا أَنَا فِي أَمْرٍ أَأْتَمِرُهُ، إِذْ قَالَتْ لِي امْرَأَتِي: لَوْ صَنَعْتَ كَذَا وَكَذَا! فَقُلْتُ لَهَا: وَمَا لَكِ أَنْتِ وَلِمَا هٰهُنَا؟ وَمَا تَكَلُّفُكِ فِي أَمْرٍ أُرِيدُهُ؟ فَقَالَتْ لِي: عَجَبًا

*Ridâ'* (cloak) and came out of my house, and I went to Ḥafṣah. I said to her: "O my daughter, do you argue with the Messenger of Allâh ﷺ until he spends the whole day angry?" Ḥafṣah said: "By Allâh, we argue with him." I said: "I am warning you of the punishment of Allâh and the wrath of His Messenger. Do not be misled by this one is amazed with her beauty, and the love of the Messenger of Allâh ﷺ for her." Then I went and entered upon Umm Salamah, because I was related to her, and I spoke to her. Umm Salamah said to me: "How strange it is, O son of Al-Khaṭṭâb, that you interfere with everything to such an extent that now you want to intervene between the Messenger of Allâh ﷺ and his wives." That astonished me so much that my anger subsided, and I left. I had a friend among the *Anṣâr*; if I was absent he would bring me the news, and if he was absent, I would bring him the news. At that time we were worried about one of the kings of Ghassân, as we had been told that he wanted to attack us, and our hearts were filled with that (worry).

'"The *Anṣârî* came and knocked at the door, saying: "Open up, open up!" I said: "Has the Ghassânî come?" He said: "It is worse than that. The Messenger of Allâh ﷺ has decided to stay away from his wives." I said:

لَكَ، يَا ابْنَ الْخَطَّابِ! مَا تُرِيدُ أَنْ تُرَاجَعَ
أَنْتَ، وَإِنَّ ابْنَتَكَ لَتُرَاجِعُ رَسُولَ اللهِ ﷺ
حَتَّى يَظَلَّ يَوْمَهُ غَضْبَانَ، قَالَ عُمَرُ: فَآخُذُ
رِدَائِي ثُمَّ أَخْرُجُ مَكَانِي، حَتَّى أَدْخُلَ عَلَىٰ
حَفْصَةَ، فَقُلْتُ لَهَا يَا بُنَيَّةُ! إِنَّكِ لَتُرَاجِعِينَ
رَسُولَ اللهِ ﷺ حَتَّى يَظَلَّ يَوْمَهُ غَضْبَانَ،
فَقَالَتْ حَفْصَةُ: وَاللهِ! إِنَّا لَنُرَاجِعُهُ،
فَقُلْتُ: تَعْلَمِينَ أَنِّي أُحَذِّرُكِ عُقُوبَةَ اللهِ
وَغَضَبَ رَسُولِهِ، يَا بُنَيَّةُ! لَا يَغُرَّنَّكِ هَٰذِهِ
الَّتِي قَدْ أَعْجَبَهَا حُسْنُهَا وَحُبُّ رَسُولِ
اللهِ ﷺ إِيَّاهَا، ثُمَّ خَرَجْتُ حَتَّى أَدْخُلَ
عَلَىٰ أُمِّ سَلَمَةَ، لِقَرَابَتِي مِنْهَا، فَكَلَّمْتُهَا،
فَقَالَتْ لِي أُمُّ سَلَمَةَ: عَجَبًا لَكَ يَا ابْنَ
الْخَطَّابِ! قَدْ دَخَلْتَ فِي كُلِّ شَيْءٍ حَتَّى
تَبْتَغِي أَنْ تَدْخُلَ بَيْنَ رَسُولِ اللهِ ﷺ وَبَيْنَ
أَزْوَاجِهِ قَالَ: فَأَخَذَتْنِي أَخْذًا كَسَرَتْنِي عَنْ
بَعْضِ مَا كُنْتُ أَجِدُ، فَخَرَجْتُ مِنْ
عِنْدِهَا، وَكَانَ لِي صَاحِبٌ مِنَ الْأَنْصَارِ،
إِذَا غِبْتُ أَتَانِي بِالْخَبَرِ، وَإِذَا غَابَ كُنْتُ
أَنَا آتِيهِ بِالْخَبَرِ، وَنَحْنُ حِينَئِذٍ نَتَخَوَّفُ
مَلِكًا مِنْ مُلُوكِ غَسَّانَ، ذُكِرَ لَنَا أَنَّهُ يُرِيدُ
أَنْ يَسِيرَ إِلَيْنَا، فَقَدِ امْتَلَأَتْ صُدُورُنَا مِنْهُ
فَأَتَىٰ صَاحِبِي الْأَنْصَارِيُّ يَدُقُّ الْبَابَ،
وَقَالَ: افْتَحْ، افْتَحْ. فَقُلْتُ جَاءَ

"May the noses of Ḥafṣah and 'Âishah be rubbed with dust!" Then I picked up my garment and went out. I came and found the Messenger of Allâh ﷺ was in his loft, to which he climbed up via a ladder made of date palm. A black slave of the Messenger of Allâh ﷺ was at the top of the ladder, and I said: "This is 'Umar." I was given permission (to enter) and I told the Messenger of Allâh ﷺ what had happened. When I reached the words of Umm Salamah the Messenger of Allâh ﷺ smiled. He was lying on a reed mat with nothing between him and it, and beneath his head was a pillow of leather, stuffed with palm fibers. At his feet was a pile of *Qaraz* and by his head there was a hide hanging. I saw the marks of the reed mat on the side of the Messenger of Allâh ﷺ, and I wept. He said: "Why are you weeping?" I said: "O Messenger of Allâh, Kisra and Caesar are living the lives they live, but you are the Messenger of Allâh ﷺ." The Messenger of Allâh ﷺ said: "Does it not please you that this world is for them and the Hereafter is for you?'"

الْغَسَّانِيُّ؟ فَقَالَ: أَشَدُّ مِنْ ذٰلِكَ، اعْتَزَلَ رَسُولُ اللهِ ﷺ أَزْوَاجَهُ. فَقُلْتُ: رَغِمَ أَنْفُ حَفْصَةَ وَعَائِشَةَ، ثُمَّ آخُذُ ثَوْبِي فَأَخْرُجُ، حَتَّى جِئْتُ، فَإِذَا رَسُولُ اللهِ ﷺ فِي مَشْرُبَةٍ لَهُ يُرْتَقَىٰ إِلَيْهَا بِعَجَلِهَا، وَغُلَامٌ لِرَسُولِ اللهِ ﷺ أَسْوَدُ عَلَىٰ رَأْسِ الدَّرَجَةِ، فَقُلْتُ: هٰذَا عُمَرُ. فَأُذِنَ لِي- قَالَ عُمَرُ-: فَقَصَصْتُ عَلَىٰ رَسُولِ اللهِ ﷺ هٰذَا الْحَدِيثَ، فَلَمَّا بَلَغْتُ حَدِيثَ أُمِّ سَلَمَةَ تَبَسَّمَ رَسُولُ اللهِ ﷺ، وَإِنَّهُ لَعَلَىٰ حَصِيرٍ مَا بَيْنَهُ وَبَيْنَهُ شَيْءٌ، وَتَحْتَ رَأْسِهِ وِسَادَةٌ مِنْ أَدَمٍ حَشْوُهَا لِيفٌ، وَإِنَّ عِنْدَ رِجْلَيْهِ قَرَظًا مَصْبُورًا، وَعِنْدَ رَأْسِهِ أُهُبًا مُعَلَّقَةً، فَرَأَيْتُ أَثَرَ الْحَصِيرِ فِي جَنْبِ رَسُولِ اللهِ ﷺ، فَبَكَيْتُ، فَقَالَ: «مَا يُبْكِيكَ؟» فَقُلْتُ: يَا رَسُولَ اللهِ! إِنَّ كِسْرَىٰ وَقَيْصَرَ فِيمَا هُمَا فِيهِ، وَأَنْتَ رَسُولُ اللهِ ﷺ: فَقَالَ رَسُولُ اللهِ ﷺ: «أَمَا تَرْضَىٰ أَنْ تَكُونَ لَهُمُ الدُّنْيَا وَلَكَ الْآخِرَةُ؟».

**[3693] 32 - (...)** It was narrated that Ibn 'Abbâs said: I came with 'Umar, then when we were in Marr Az-Zahrân... and he quoted the complete *Ḥadîth*, like the *Ḥadîth* of Sulaimân bin Bilâl (no. 3692), except that he said: "I said: 'What about the two women?' He

**[٣٦٩٣] ٣٢-(...)** حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَفَّانُ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ: أَخْبَرَنَا يَحْيَى بْنُ سَعِيدٍ: عَنْ عُبَيْدِ بْنِ حُنَيْنٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: أَقْبَلْتُ مَعَ عُمَرَ، حَتَّىٰ إِذَا كُنَّا بِمَرِّ

said: 'Ḥafṣah and Umm Salamah.'" And he added: "And I came to the apartments and in every house there was some weeping." And he also added: "He had vowed to stay away from them for a month, then when it was the twenty-ninth day, he came to them."

الظَّهْرَانِ، وَسَاقَ الْحَدِيثَ بِطُولِهِ، كَنَحْوِ حَدِيثِ سُلَيْمَانَ بْنِ بِلَالٍ، غَيْرَ أَنَّهُ قَالَ قُلْتُ: شَأْنُ الْمَرْأَتَيْنِ؟ قَالَ: حَفْصَةُ وَأُمُّ سَلَمَةَ. وَزَادَ فِيهِ: فَأَتَيْتُ الْحُجَرَ فَإِذَا فِي كُلِّ بَيْتٍ بُكَاءٌ. وَزَادَ أَيْضًا: وَكَانَ آلَىٰ مِنْهُنَّ شَهْرًا، فَلَمَّا كَانَ تِسْعًا وَعِشْرِينَ نَزَلَ إِلَيْهِنَّ.

**[3694] 33 - (...)** Ibn 'Abbâs said: "I wanted to ask 'Umar about the two women who helped one another at the time of the Messenger of Allâh ﷺ, but for one year I could not find any opportunity, until I accompanied him to Makkah. When he was in Marr Az-Zahrân, he went to relieve himself, and he said: 'Bring me a jug of water.' So I brought it to him, and when he had relieved himself and came back, I went to pour water for him, then I remembered and said to him: 'O Commander of the Believers, who were the two women?' And I did not finish what I was saying before he said: ''Âishah and Ḥafṣah.'"

**[٣٦٩٤] ٣٣-(...) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَا: حَدَّثَنَا سُفْيَانُ ابْنُ عُيَيْنَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ، سَمِعَ عُبَيْدَ ابْنَ حُنَيْنٍ وَهُوَ مَوْلَى الْعَبَّاسِ قَالَ: سَمِعْتُ ابْنَ عَبَّاسٍ يَقُولُ: كُنْتُ أُرِيدُ أَنْ أَسْأَلَ عُمَرَ عَنِ الْمَرْأَتَيْنِ اللَّتَيْنِ تَظَاهَرَتَا عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، فَلَبِثْتُ سَنَةً مَا أَجِدُ لَهُ مَوْضِعًا حَتَّىٰ صَحِبْتُهُ إِلَىٰ مَكَّةَ، فَلَمَّا كَانَ بِمَرِّ الظَّهْرَانِ [ذَهَبَ] يَقْضِي حَاجَتَهُ، فَقَالَ: أَدْرِكْنِي بِإِدَاوَةٍ مِنْ مَاءٍ، فَأَتَيْتُهُ بِهَا، فَلَمَّا قَضَىٰ حَاجَتَهُ وَرَجَعَ ذَهَبْتُ أَصُبُّ عَلَيْهِ، وَذَكَرْتُ فَقُلْتُ لَهُ: يَا أَمِيرَ الْمُؤْمِنِينَ! مَنِ الْمَرْأَتَانِ؟ فَمَا قَضَيْتُ كَلَامِي حَتَّىٰ قَالَ: عَائِشَةُ وَحَفْصَةُ.

**[3695] 34 - (...)** It was narrated that Ibn 'Abbâs said: "I was eager to ask 'Umar about the two wives of the Prophet ﷺ concerning whom Allâh, the Most High said:

**[٣٦٩٥] ٣٤-(...) حَدَّثَنَا** إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ وَمُحَمَّدُ بْنُ أَبِي عُمَرَ - وَتَقَارَبَا فِي لَفْظِ الْحَدِيثِ قَالَ ابْنُ

"If you two turn in repentance to Allâh, (it will be better for you), your hearts are indeed so inclined...,"[1] until 'Umar went for *Hajj* and I went with him. When we were partway there, 'Umar turned aside, and I turned aside with him, bringing the jug. He relieved himself, then he came to me and I poured water onto his hands, and he performed *Wuḍû'*.

I said: 'O Commander of the Believers, who are the two wives of the Prophet ﷺ, about whom Allâh the Mighty and Sublime said: "If you two turn in repentance to Allâh, (it will be better for you), your hearts are indeed so inclined..."?'[2] 'Umar said: 'How strange of you, O Ibn 'Abbâs!'" - Az-Zuhrî (a narrator) said: "By Allâh, he did not like the question, but he did not conceal anything" - "He said: 'They were Ḥafṣah and 'Âishah.' Then he started to narrate the *Ḥadîth* and said: 'We people of the Quraish were a people who dominated women, but when we came to Al-Madînah we found a people who were dominated by their women, and our women started to learn from their women. My house was among Banû Umayyah bin Zaid in Al-'Awâlî. One day I got angry with my wife, and she argued with me. I did not like her to argue with me. But she said: "Do you not like me to argue

أَبِي عُمَرَ: حَدَّثَنَا، وَقَالَ إِسْحٰقُ: أَخْبَرَنَا - عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ ابْنِ عَبْدِ اللهِ بْنِ أَبِي ثَوْرٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَمْ أَزَلْ حَرِيصًا أَنْ أَسْأَلَ عُمَرَ عَنِ الْمَرْأَتَيْنِ مِنْ أَزْوَاجِ النَّبِيِّ ﷺ اللَّتَيْنِ قَالَ اللهُ تَعَالَىٰ: ﴿إِن تَتُوبَآ إِلَى ٱللَّهِ فَقَدْ صَغَتْ قُلُوبُكُمَا﴾ [التحريم: ٤]، حَتَّىٰ حَجَّ عُمَرُ وَحَجَجْتُ مَعَهُ، فَلَمَّا كُنَّا بِبَعْضِ الطَّرِيقِ عَدَلَ عُمَرُ وَعَدَلْتُ مَعَهُ بِالْإِدَاوَةِ، فَتَبَرَّزَ، ثُمَّ أَتَانِي فَسَكَبْتُ عَلَىٰ يَدَيْهِ، فَتَوَضَّأَ، فَقُلْتُ: يَا أَمِيرَ الْمُؤْمِنِينَ! مَنِ الْمَرْأَتَانِ مِنْ أَزْوَاجِ النَّبِيِّ ﷺ اللَّتَانِ قَالَ اللهُ عَزَّ وَجَلَّ [لَهُمَا] ﴿إِن تَتُوبَآ إِلَى ٱللَّهِ فَقَدْ صَغَتْ قُلُوبُكُمَا﴾؟ قَالَ عُمَرُ: وَاعَجَبًا لَكَ يَا ابْنَ عَبَّاسٍ! - قَالَ الزُّهْرِيُّ: كَرِهَ، وَاللهِ! مَاسَأَلَهُ عَنْهُ وَلَمْ يَكْتُمْهُ - قَالَ: هِيَ حَفْصَةُ وَعَائِشَةُ، ثُمَّ أَخَذَ يَسُوقُ الْحَدِيثَ قَالَ: كُنَّا، مَعْشَرَ قُرَيْشٍ، قَوْمًا نَغْلِبُ النِّسَاءَ، فَلَمَّا قَدِمْنَا الْمَدِينَةَ وَجَدْنَا قَوْمًا تَغْلِبُهُمْ نِسَاؤُهُمْ، فَطَفِقَ نِسَاؤُنَا يَتَعَلَّمْنَ مِنْ نِسَائِهِمْ - قَالَ -: وَكَانَ مَنْزِلِي فِي

[1] *At-Taḥrîm* 66:4.

[2] *At-Taḥrîm* 66:4.

with you? By Allâh, the wives of the Prophet ﷺ argue with him, and one of them will forsake him all day until night comes." I went and entered upon Ḥafṣah, and I said: "Do you argue with the Messenger of Allâh ﷺ?" She said: "Yes." I said: "Does one of you forsake him all day until night comes?" She said: "Yes." I said: "Any one of you who does that is doomed and lost. Does any one of you feel assured that Allâh will not be angry with her because of the anger of His Messenger ﷺ, for then she will be doomed? Do not argue with the Messenger of Allâh ﷺ and do not ask him for anything. Ask me for whatever you want. And do not be misled by the fact that your neighbor is more beautiful than you and more beloved to the Messenger of Allâh ﷺ than you'" - referring to 'Âishah. "And 'Umar said: 'I had a neighbor among the *Anṣâr*. We used to take turns going down to the Messenger of Allâh ﷺ. He would go down one day and I would go down the next. He would bring me the news of the Revelation and other things, and I would do likewise. We were saying that Ghassân were shoeing their horses to attack us. My friend went to visit, then he came to me at night and knocked on my door, then he called out to me. I went out to him and he said: "Something terrible has

بَنِي أُمَيَّةَ بْنِ زَيْدٍ بِالْعَوَالِي، فَتَغَضَّبْتُ يَوْمًا عَلَىٰ امْرَأَتِي، فَإِذَا هِيَ تُرَاجِعُنِي، فَأَنْكَرْتُ أَنْ تُرَاجِعَنِي، فَقَالَتْ: مَا تُنْكِرُ أَنْ أُرَاجِعَكَ؟ فَوَاللهِ! إِنَّ أَزْوَاجَ النَّبِيِّ ﷺ لَيُرَاجِعْنَهُ، وَتَهْجُرُهُ إِحْدَاهُنَّ الْيَوْمَ إِلَىٰ اللَّيْلِ، فَانْطَلَقْتُ فَدَخَلْتُ عَلَىٰ حَفْصَةَ فَقُلْتُ: أَتُرَاجِعِينَ رَسُولَ اللهِ ﷺ؟ فَقَالَتْ: نَعَمْ. فَقُلْتُ: أَتَهْجُرُهُ إِحْدَاكُنَّ الْيَوْمَ إِلَىٰ اللَّيْلِ؟ قَالَتْ: نَعَمْ. قُلْتُ: قَدْ خَابَ مَنْ فَعَلَ ذٰلِكَ مِنْكُنَّ وَخَسِرَ، أَفَتَأْمَنُ إِحْدَاكُنَّ أَنْ يَغْضَبَ اللهُ عَلَيْهَا لِغَضَبِ رَسُولِهِ ﷺ، فَإِذَا هِيَ قَدْ هَلَكَتْ، لَا تُرَاجِعِي رَسُولَ اللهِ ﷺ وَلَا تَسْأَلِيهِ شَيْئًا، وَسَلِينِي مَا بَدَا لَكِ وَلَا يَغُرَّنَّكِ أَنْ كَانَتْ جَارَتُكِ هِيَ أَوْسَمُ وَأَحَبُّ إِلَىٰ رَسُولِ اللهِ ﷺ مِنْكِ -يُرِيدُ عَائِشَةَ، قَالَ-: وَكَانَ لِي جَارٌ مِنَ الْأَنْصَارِ - قَالَ - فَكُنَّا نَتَنَاوَبُ النُّزُولَ إِلَىٰ رَسُولِ اللهِ ﷺ، فَيَنْزِلُ يَوْمًا وَأَنْزِلُ يَوْمًا، فَيَأْتِينِي بِخَبَرِ الْوَحْيِ وَغَيْرِهِ، وَآتِيهِ بِمِثْلِ ذٰلِكَ، فَكُنَّا نَتَحَدَّثُ أَنَّ غَسَّانَ تُنْعِلُ الْخَيْلَ لِتَغْزُونَا، فَنَزَلَ صَاحِبِي، ثُمَّ أَتَانِي عِشَاءً فَضَرَبَ بَابِي ثُمَّ نَادَانِي، فَخَرَجْتُ إِلَيْهِ فَقَالَ: حَدَثَ أَمْرٌ عَظِيمٌ، قُلْتُ: مَاذَا؟ أَجَاءَتْ غَسَّانُ؟

happened!" I said: "What? Have the Ghassân come?" He said: "No, it is more terrible than that, and worse. The Prophet ﷺ has divorced his wives." I said: "Ḥafṣah is doomed and lost. I thought that this would happen." Then when I had prayed *Subḥ*, I got dressed, then I went down and entered upon Ḥafṣah, who was weeping. I said: "Has the Messenger of Allâh ﷺ divorced you?" She said: "I do not know. He has secluded himself in this loft." I went to a black slave of his, and I said: "Ask for permission for 'Umar to enter." He went in, then he came out to me and said: "I mentioned you to him but he did not say anything."'

'"I went away and came to the *Minbar*, where I sat down. By it was a group of people, some of whom were weeping. I sat for a little while, then I could not bear it any longer, so I went to the slave and said: "Ask for permission for 'Umar to enter." He went in. Then he came out to me. He said: "I mentioned you to him but he did not say anything." I turned to leave. Then the slave called me, and he said: "Go in, he has given you permission." So I went in and greeted the Messenger of Allâh ﷺ with *Salâm*. He was resting on a reed mat that had left marks on his side. I said: "O Messenger of Allâh, have you divorced your

قَالَ: لَا، بَلْ أَعْظَمُ مِنْ ذٰلِكَ وَأَطْوَلُ، طَلَّقَ النَّبِيُّ ﷺ نِسَاءَهُ. فَقُلْتُ: قَدْ خَابَتْ حَفْصَةُ وَخَسِرَتْ، وَقَدْ كُنْتُ أَظُنُّ هٰذَا كَائِنًا، حَتَّىٰ إِذَا صَلَّيْتُ الصُّبْحَ شَدَدْتُ عَلَيَّ ثِيَابِي، ثُمَّ نَزَلْتُ فَدَخَلْتُ عَلَىٰ حَفْصَةَ وَهِيَ تَبْكِي، فَقُلْتُ: أَطَلَّقَكُنَّ رَسُولُ اللهِ ﷺ؟ فَقَالَتْ: لَا أَدْرِي، هَا هُوَ ذَا مُعْتَزِلٌ فِي هٰذِهِ الْمَشْرُبَةِ، فَأَتَيْتُ غُلَامًا لَهُ أَسْوَدَ، فَقُلْتُ: اسْتَأْذِنْ لِعُمَرَ، فَدَخَلَ ثُمَّ خَرَجَ إِلَيَّ، فَقَالَ: فَذَكَرْتُكَ لَهُ فَصَمَتَ. فَانْطَلَقْتُ حَتَّى انْتَهَيْتُ إِلَىٰ الْمِنْبَرِ فَجَلَسْتُ، فَإِذَا عِنْدَهُ رَهْطٌ جُلُوسٌ يَبْكِي بَعْضُهُمْ، فَجَلَسْتُ قَلِيلًا، ثُمَّ غَلَبَنِي مَا أَجِدُ، ثُمَّ أَتَيْتُ الْغُلَامَ فَقُلْتُ: اسْتَأْذِنْ لِعُمَرَ، فَدَخَلَ ثُمَّ خَرَجَ إِلَيَّ فَقَالَ: قَدْ ذَكَرْتُكَ لَهُ فَصَمَتَ، فَوَلَّيْتُ مُدْبِرًا، فَإِذَا الْغُلَامُ يَدْعُونِي فَقَالَ: ادْخُلْ، فَقَدْ أَذِنَ لَكَ. فَدَخَلْتُ فَسَلَّمْتُ عَلَىٰ رَسُولِ اللهِ ﷺ، فَإِذَا هُوَ مُتَّكِىءٌ عَلَىٰ رَمْلِ حَصِيرٍ قَدْ أَثَّرَ فِي جَنْبِهِ، فَقُلْتُ: أَطَلَّقْتَ، يَا رَسُولَ اللهِ نِسَاءَكَ؟ فَرَفَعَ رَأْسَهُ إِلَيَّ فَقَالَ «لَا» فَقُلْتُ: اللهُ أَكْبَرُ! لَوْ رَأَيْتَنَا، يَا رَسُولَ اللهِ! وَكُنَّا مَعْشَرَ قُرَيْشٍ، قَوْمًا نَغْلِبُ النِّسَاءَ، فَلَمَّا قَدِمْنَا الْمَدِينَةَ وَجَدْنَا

wives?" He looked up at me and said: "No." I said: "*Allâhu Akbar!* If you had seen us, O Messenger of Allâh, we the Quraish, were a people who dominated women, but when we came to Al-Madînah we found a people who were dominated by their women, and our women started to learn from their women. I got angry with my wife one day, and she started to argue with me. I did not like her to argue with me, but she said: "Do you not like me to argue with you? By Allâh, the wives of the Prophet ﷺ argue with him, and one of them will forsake him all day until night comes." I said: "Any one of them who does that is doomed and lost. Does one of them feel assured that Allâh will not be angry with her because of the anger of His Messenger ﷺ, then she will be doomed?" The Messenger of Allâh ﷺ smiled. I said: "O Messenger of Allâh, I entered upon Ḥafṣah and I said: 'Do not be misled by the fact that your neighbor is more beautiful than you and more beloved to the Messenger of Allâh ﷺ than you.'" The Messenger of Allâh ﷺ smiled again.'"

'"I said: "O Messenger of Allâh, may I talk to you freely?" He said: "Yes." So I sat down and looked around the room, and by Allâh, I did not see anything in it to please the eye except three

قَوْمًا تَغْلِبُهُمْ نِسَاؤُهُمْ، فَطَفِقَ نِسَاؤُنَا يَتَعَلَّمْنَ مِنْ نِسَائِهِمْ، فَتَغَضَّبْتُ عَلَىٰ امْرَأَتِي يَوْمًا، فَإِذَا هِيَ تُرَاجِعُنِي، فَأَنْكَرْتُ أَنْ تُرَاجِعَنِي. فَقَالَتْ: مَا تُنْكِرُ أَنْ أُرَاجِعَكَ؟ فَوَاللهِ! إِنَّ أَزْوَاجَ النَّبِيِّ ﷺ لَيُرَاجِعْنَهُ، وَتَهْجُرُ[هُ] إِحْدَاهُنَّ الْيَوْمَ إِلَىٰ اللَّيْلِ. فَقُلْتُ: قَدْ خَابَ مَنْ فَعَلَ ذٰلِكِ مِنْهُنَّ وَخَسِرَ، أَفَتَأْمَنُ إِحْدَاهُنَّ أَنْ يَغْضَبَ اللهُ عَلَيْهَا لِغَضَبِ رَسُولِهِ ﷺ، فَإِذَا هِيَ قَدْ هَلَكَتْ؟ فَتَبَسَّمَ رَسُولُ اللهِ ﷺ، فَقُلْتُ: يَا رَسُولَ اللهِ! قَدْ دَخَلْتُ عَلَىٰ حَفْصَةَ فَقُلْتُ: لَا يَغُرَّنَّكِ أَنْ كَانَتْ جَارَتُكِ هِيَ أَوْسَمُ مِنْكِ وَأَحَبُّ إِلَىٰ رَسُولِ اللهِ ﷺ مِنْكِ فَتَبَسَّمَ أُخْرَىٰ فَقُلْتُ: أَسْتَأْنِسُ، يَا رَسُولَ اللهِ! قَالَ: «نَعَمْ» فَجَلَسْتُ، فَرَفَعْتُ رَأْسِي فِي الْبَيْتِ فَوَاللهِ! مَا رَأَيْتُ فِيهِ شَيْئًا يَرُدُّ الْبَصَرَ، إِلَّا أُهُبًا ثَلَاثَةً، فَقُلْتُ: ادْعُ اللهَ يَا رَسُولَ اللهِ! أَنْ يُوَسِّعَ عَلَىٰ أُمَّتِكَ، فَقَدْ وُسِّعَ عَلَىٰ فَارِسَ وَالرُّومِ، وَهُمْ لَا يَعْبُدُونَ اللهَ عَزَّ وَجَلَّ - فَاسْتَوَىٰ جَالِسًا ثُمَّ قَالَ: «أَفِي شَكٍّ أَنْتَ؟ يَا ابْنَ الْخَطَّابِ! أُولَئِكَ قَوْمٌ عُجِّلَتْ لَهُمْ طَيِّبَاتُهُمْ فِي الْحَيَاةِ الدُّنْيَا» فَقُلْتُ: اسْتَغْفِرْ لِي يَا رَسُولَ اللهِ! وَكَانَ أَقْسَمَ أَنْ لَا

hides. I said: "Pray to Allâh, O Messenger of Allâh, to make life prosperous for your *Ummah*, for He has made life prosperous for the Persians and Romans, but they do not worship Allâh, the Mighty and Sublime." He sat up straight and said: "Are you doubting, O son of Al-Khaṭṭâb? Their good things have been granted to them in this world." I said: "Pray for forgiveness for me, O Messenger of Allâh." He had sworn that he would not enter upon them for a month, because he was so annoyed with them, until Allâh [the Mighty and Sublime] rebuked him.'"

يَدْخُلَ عَلَيْهِنَّ شَهْرًا مِنْ شِدَّةِ مَوْجِدَتِهِ عَلَيْهِنَّ حَتَّى عَاتَبَهُ اللهُ [عَزَّ وَجَلَّ].

**[3696] 35 - (1475)** Az-Zuhrî said: 'Urwah told me that 'Âishah said: "When twenty-nine nights had passed, the Messenger of Allâh ﷺ entered upon me; he started with me. I said: 'O Messenger of Allâh, you swore that you would not enter upon us for a month, but now you have entered on the twenty-ninth day; I have been counting them.' He said: 'The month may be twenty-nine days.' Then he said: 'O 'Âishah, I am going to tell you something, but you do not have to hasten to decide until you consult your parents.'"

"Then he recited to me the verse: O Prophet! Say to your wives: If you desire the life of this world, and its glitter, then come! I will make a provision for you

**[٣٦٩٦] ٣٥-(١٤٧٥) قَالَ الزُّهْرِيُّ:** فَأَخْبَرَنِي عُرْوَةُ عَنْ عَائِشَةَ قَالَتْ: لَمَّا مَضَىٰ تِسْعٌ وَعِشْرُونَ لَيْلَةً، دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ، بَدَأَ بِي، فَقُلْتُ: يَا رَسُولَ اللهِ! إِنَّكَ أَقْسَمْتَ أَنْ لَا تَدْخُلَ عَلَيْنَا شَهْرًا، وَإِنَّكَ دَخَلْتَ مِنْ تِسْعٍ وَعِشْرِينَ، أَعُدُّهُنَّ. فَقَالَ: «إِنَّ الشَّهْرَ تِسْعٌ وَعِشْرُونَ» ثُمَّ قَالَ: «يَا عَائِشَةُ! إِنِّي ذَاكِرٌ لَكِ أَمْرًا فَلَا عَلَيْكِ أَنْ لَا تَعْجَلِي فِيهِ حَتَّى تَسْتَأْمِرِي أَبَوَيْكِ». ثُمَّ قَرَأَ عَلَيَّ الْآيَةَ: ﴿يَٰٓأَيُّهَا ٱلنَّبِيُّ قُل لِّأَزْوَٰجِكَ﴾ حَتَّى بَلَغَ ﴿أَجْرًا عَظِيمًا﴾. قَالَتْ عَائِشَةُ: قَدْ عَلِمَ، وَاللهِ! أَنَّ أَبَوَيَّ لَمْ يَكُونَا لِيَأْمُرَانِي بِفِرَاقِهِ - قَالَتْ - فَقُلْتُ: أَوَ فِي

and set you free in a handsome manner (divorce). But if you desire Allâh and His Messenger, and the Home of the Hereafter, then verily, Allâh has prepared for *Al-Muhsinât* (good-doers) amongst you an enormous reward.'".[1] 'Âishah said: "He knew, by Allâh, that my parents would never tell me to leave him. I said: 'Do I need to consult my parents about this? I desire Allâh and His Messenger and the Home of the Hereafter.'"

Ma'mar said: "Ayyûb told me that 'Âishah said: 'Do not tell your wives that I have chosen you.' The Prophet ﷺ said to her: 'Allâh has sent me to convey (the message); He did not send me to make things hard for people in the hope that they would make mistakes.'"

هَٰذَا أَسْتَأْمِرُ أَبَوَيَّ؟ فَإِنِّي أُرِيدُ اللهَ وَرَسُولَهُ وَالدَّارَ الْآخِرَةَ.

قَالَ مَعْمَرٌ: فَأَخْبَرَنِي أَيُّوبُ أَنَّ عَائِشَةَ قَالَتْ: لَا تُخْبِرْ نِسَاءَكَ أَنِّي اخْتَرْتُكَ. فَقَالَ لَهَا النَّبِيُّ ﷺ: «إِنَّ اللهَ أَرْسَلَنِي مُبَلِّغًا وَلَمْ يُرْسِلْنِي مُتَعَنِّتًا».

قَالَ قَتَادَةُ: ﴿صَغَتْ قُلُوبُكُمَا﴾ قَالَ: مَالَتْ قُلُوبُكُمَا. [راجع: ٣٦٨١]

## Chapter 6. The Woman Who Has Been Irrevocably Divorced Is Not Entitled To Maintenance

(المعجم ٦) - (بَابُ المطلقة البائن لا نفقة لها) (التحفة ٦)

**[3697] 36 - (1480)** It was narrated from Fâtimah bint Qais that Abû 'Amr bin Hafs divorced her irrevocably when he was absent. He sent some barley to her via his agent, and she was angry with that.

He said: "By Allâh, you are not entitled to anything from us." She came to the Messenger of Allâh ﷺ and told him about that, and he said: "You are not

[٣٦٩٧] ٣٦-(١٤٨٠) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ عَبْدِ اللهِ بْنِ يَزِيدَ مَوْلَى الْأَسْوَدِ بْنِ سُفْيَانَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَٰنِ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ؛ أَنَّ أَبَا عَمْرِو بْنَ حَفْصٍ طَلَّقَهَا الْبَتَّةَ وَهُوَ غَائِبٌ، فَأَرْسَلَ إِلَيْهَا وَكِيلُهُ بِشَعِيرٍ، فَسَخِطَتْهُ، فَقَالَ:

[1] *Al-Ahzâb* 33:28, 29.

entitled to maintenance from him." He told her to observe her *'Iddah* in the house of Umm Sharîk, then he said: "She is a woman whom my Companions visit. Observe your *'Iddah* in the house of Ibn Umm Maktûm, for he is a blind man and you can take off your garments. And when your *'Iddah* is over, let me know."

She said: "When my *'Iddah* ended, I told him that Mu'âwiyah bin Abî Sufyân and Abû Jahm had proposed marriage to me. The Messenger of Allâh ﷺ said: 'As for Abû Jahm, his stick never leaves his shoulder.[1] As for Mu'âwiyah, he is very poor and has no wealth. Marry Usâmah bin Zaid.' I did not like that, but he said: 'Marry Usâmah bin Zaid.' So I married him, and Allâh caused it to be good and I was envied for that."

**[3698] 37 - (...)** It was narrated from Fâṭimah bint Qais that her husband divorced her at the time of the Prophet ﷺ, and the maintenance he gave her was very little. When she saw that she said: "By Allâh, I am going to tell the Messenger of Allâh ﷺ. If I am entitled to maintenance I will take what is enough for me, and if I am not entitled to maintenance I will not take anything from him." She said: "I told the Messenger of Allâh ﷺ about that and he said:

وَاللهِ! مَا لَكِ عَلَيْنَا مِنْ شَيْءٍ؛ فَجَاءَتْ رَسُولَ اللهِ ﷺ فَذَكَرَتْ ذٰلِكَ لَهُ، فَقَالَ: «لَيْسَ لَكِ عَلَيْهِ نَفَقَةٌ». فَأَمَرَهَا أَنْ تَعْتَدَّ فِي بَيْتِ أُمِّ شَرِيكٍ، ثُمَّ قَالَ: «تِلْكَ امْرَأَةٌ يَغْشَاهَا أَصْحَابِي، اعْتَدِّي عِنْدَ ابْنِ أُمِّ مَكْتُومٍ، فَإِنَّهُ رَجُلٌ أَعْمَىٰ، تَضَعِينَ ثِيَابَكِ، فَإِذَا حَلَلْتِ فَآذِنِينِي» - قَالَتْ -: فَلَمَّا حَلَلْتُ ذَكَرْتُ لَهُ، أَنَّ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ وَأَبَا جَهْمٍ خَطَبَانِي، فَقَالَ رَسُولُ اللهِ ﷺ: «أَمَّا أَبُو جَهْمٍ فَلَا يَضَعُ عَصَاهُ عَنْ عَاتِقِهِ، وَأَمَّا مُعَاوِيَةُ فَصُعْلُوكٌ لَا مَالَ لَهُ، انْكِحِي أُسَامَةَ بْنَ زَيْدٍ» فَكَرِهْتُهُ، ثُمَّ قَالَ: «انْكِحِي أُسَامَةَ» فَنَكَحْتُهُ، فَجَعَلَ اللهُ فِيهِ خَيْرًا وَاغْتُبِطْتُ [بِهِ].

**[٣٦٩٨] ٣٧-(...) وَحَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي ابْنَ أَبِي حَازِمٍ.

وَقَالَ قُتَيْبَةُ أَيْضًا: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَٰنِ الْقَارِيَّ، - كِلَيْهِمَا - عَنْ أَبِي حَازِمٍ، عَنْ أَبِي سَلَمَةَ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ؛ أَنَّهُ طَلَّقَهَا زَوْجُهَا فِي عَهْدِ النَّبِيِّ ﷺ، وَكَانَ أَنْفَقَ عَلَيْهَا نَفَقَةَ دُونٍ، فَلَمَّا رَأَتْ ذٰلِكَ قَالَتْ: وَاللهِ! لَأُعْلِمَنَّ

[1] See no. 3712.

'You are not entitled to maintenance or accommodation.'"

رَسُولَ اللهِ ﷺ، فَإِنْ كَانَتْ لِي نَفَقَةٌ أَخَذْتُ الَّذِي يُصْلِحُنِي، وَإِنْ لَمْ تَكُنْ لِي نَفَقَةٌ لَمْ آخُذْ مِنْهُ شَيْئًا، قَالَتْ: فَذَكَرْتُ ذٰلِكَ لِرَسُولِ اللهِ ﷺ فَقَالَ: «لَا نَفَقَةَ لَكِ، وَلَا سُكْنَىٰ».

**[3699] (...)** It was narrated that Abû Salamah said: "I asked Fâṭimah bint Qais, and she told me that her Makhzûmî husband divorced her and refused to give her any maintenance. She went to the Messenger of Allâh ﷺ and told him, and the Messenger of Allâh ﷺ said: 'You are not entitled to any maintenance. Go and stay with Ibn Umm Maktûm, for he is a blind man and you can take off your garments there.'"

[٣٦٩٩] (...) **حَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ عِمْرَانَ بْنِ أَبِي أَنَسٍ، عَنْ أَبِي سَلَمَةَ أَنَّهُ قَالَ: سَأَلْتُ فَاطِمَةَ بِنْتَ قَيْسٍ، فَأَخْبَرَتْنِي أَنَّ زَوْجَهَا الْمَخْزُومِيَّ طَلَّقَهَا، فَأَبَىٰ أَنْ يُنْفِقَ عَلَيْهَا، فَجَاءَتْ إِلَىٰ رَسُولِ اللهِ ﷺ فَأَخْبَرَتْهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «لَا نَفَقَةَ لَكِ، فَانْتَقِلِي، فَاذْهَبِي إِلَىٰ ابْنِ أُمِّ مَكْتُومٍ، فَكُونِي عِنْدَهُ، فَإِنَّهُ رَجُلٌ أَعْمَىٰ، تَضَعِينَ ثِيَابَكِ عِنْدَهُ».

**[3700] 38 - (...)** Abû Salamah narrated that Fâṭimah bint Qais, the sister of Aḍ-Ḍaḥḥâk bin Qais, told him, that Abû Ḥafṣ bin Al-Mughîrah Al-Makhzûmî divorced her three times, then he went to Yemen. His people said to her: "You are not entitled to maintenance from us." Khâlid bin Al-Walîd came with a group of people to the Messenger of Allâh ﷺ in the house of Maimûnah and said: "Abû Ḥafṣ has divorced his wife three times; is she entitled to

[٣٧٠٠] ٣٨-(...) **وحَدَّثَني** مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا حُسَيْنُ بْنُ مُحَمَّدٍ: حَدَّثَنَا شَيْبَانُ عَنْ يَحْيَىٰ وَهُوَ ابْنُ أَبِي كَثِيرٍ: أَخْبَرَنِي أَبُو سَلَمَةَ؛ أَنَّ فَاطِمَةَ بِنْتَ قَيْسٍ أُخْتَ الضَّحَّاكِ بْنِ قَيْسٍ أَخْبَرَتْهُ؛ أَنَّ أَبَا حَفْصِ بْنَ الْمُغِيرَةِ الْمَخْزُومِيَّ طَلَّقَهَا ثَلَاثًا، ثُمَّ انْطَلَقَ إِلَىٰ الْيَمَنِ، فَقَالَ لَهَا أَهْلُهُ: لَيْسَ لَكِ عَلَيْنَا نَفَقَةٌ، فَانْطَلَقَ خَالِدُ بْنُ الْوَلِيدِ فِي نَفَرٍ،

maintenance?" The Messenger of Allâh ﷺ said: "She is not entitled to maintenance, but she has to observe the *'Iddah*." And he sent word to her, saying: "Do not be hasty in making a decision concerning yourself (without consulting me)." He told her to move to (the house of) Umm Sharîk, then he sent word saying: "Umm Sharîk is visited by the first *Muhâjirîn*. Go to Ibn Umm Maktûm, the blind man, for if you take off your *Khimâr* (head cover) he will not see you." So she went and stayed there, and when her *'Iddah* was over, the Messenger of Allâh ﷺ married her to Usâmah bin Zaid bin Ḥârithah.

فَأَتَوْا رَسُولَ اللهِ ﷺ فِي بَيْتِ مَيْمُونَةَ، فَقَالُوا: إِنَّ أَبَا حَفْصٍ طَلَّقَ امْرَأَتَهُ ثَلَاثًا، فَهَلْ لَهَا مِنْ نَفَقَةٍ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «لَيْسَتْ لَهَا نَفَقَةٌ، وَعَلَيْهَا الْعِدَّةُ». وَأَرْسَلَ إِلَيْهَا: «أَنْ لَا تَسْبِقِينِي بِنَفْسِكِ»، وَأَمَرَهَا أَنْ تَنْتَقِلَ إِلَىٰ أُمِّ شَرِيكٍ، ثُمَّ أَرْسَلَ إِلَيْهَا «أَنَّ أُمَّ شَرِيكٍ يَأْتِيهَا الْمُهَاجِرُونَ الْأَوَّلُونَ، فَانْطَلِقِي إِلَىٰ ابْنِ أُمِّ مَكْتُومٍ الْأَعْمَىٰ، فَإِنَّكِ إِذَا وَضَعْتِ خِمَارَكِ، لَمْ يَرَكِ» فَانْطَلَقَتْ إِلَيْهِ، فَلَمَّا مَضَتْ عِدَّتُهَا أَنْكَحَهَا رَسُولُ اللهِ ﷺ أُسَامَةَ بْنَ زَيْدِ بْنِ حَارِثَةَ.

**[3701] 39 - (...)** Abû Salamah narrated that he wrote down what Fâṭimah bint Qais said: "I was married to a man from Banû Makhzûm, and he divorced me irrevocably. I sent word to his people asking for maintenance..." and they quoted a *Ḥadîth* like that of Yaḥyâ bin Abî Kathîr from Abû Salamah (no. 3700), except that in the *Ḥadîth* of Muḥammad bin 'Amr (a narrator) it says: "Do not hasten to make a decision without letting us know."

**[٣٧٠١] ٣٩-(...)** حَدَّثَنَا يَحْيَى ابْنُ أَيُّوبَ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَابْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ يَعْنُونَ بْنَ جَعْفَرٍ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ؛ وَحَدَّثَنَاه أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو: حَدَّثَنَا أَبُو سَلَمَةَ عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَ: كَتَبْتُ ذٰلِكَ مِنْ فِيهَا كِتَابًا. قَالَتْ: كُنْتُ عِنْدَ رَجُلٍ مِنْ بَنِي مَخْزُومٍ فَطَلَّقَنِي الْبَتَّةَ، فَأَرْسَلْتُ إِلَىٰ أَهْلِهِ أَبْتَغِي النَّفَقَةَ، وَاقْتَصُّوا الْحَدِيثَ بِمَعْنَىٰ حَدِيثِ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي

سَلَمَةَ، غَيْرَ أَنَّ فِي حَدِيثِ مُحَمَّدِ بْنِ عَمْرٍو: «لَا تَفُوتِينَا بِنَفْسِكِ».

[3702] 40 - (...) Fâṭimah bint Qais narrated that she was married to Abû 'Amr bin Ḥafṣ bin Al-Mughîrah, and he issued the last of three divorces to her. She said that she came to the Messenger of Allâh ﷺ to consult him about leaving her house, and he told her to go to Ibn Umm Maktûm, the blind man. Marwân refused to believe him about a divorced woman leaving her house, and 'Urwah said: "'Âishah objected to that regarding Fâṭimah bint Qais."[1]

[٣٧٠٢] ٤٠-(...) حَدَّثَنَا حَسَنُ ابْنُ عَلِيٍّ الْحُلْوَانِيُّ وَعَبْدُ بْنُ حُمَيْدٍ، جَمِيعًا عَنْ يَعْقُوبَ بْنِ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ؛ أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمٰنِ ابْنِ عَوْفٍ أَخْبَرَهُ؛ أَنَّ فَاطِمَةَ بِنْتَ قَيْسٍ أَخْبَرَتْهُ؛ أَنَّهَا كَانَتْ تَحْتَ أَبِي عَمْرِو بْنِ حَفْصِ بْنِ الْمُغِيرَةِ، فَطَلَّقَهَا آخِرَ ثَلَاثِ تَطْلِيقَاتٍ، فَزَعَمَتْ أَنَّهَا جَاءَتْ رَسُولَ اللهِ ﷺ تَسْتَفْتِيهِ فِي خُرُوجِهَا مِنْ بَيْتِهَا، فَأَمَرَهَا أَنْ تَنْتَقِلَ إِلَىٰ ابْنِ أُمِّ مَكْتُومٍ الْأَعْمَىٰ، فَأَبَىٰ مَرْوَانُ أَنْ يُصَدِّقَهُ فِي خُرُوجِ الْمُطَلَّقَةِ مِنْ بَيْتِهَا، وَقَالَ عُرْوَةُ: إِنَّ عَائِشَةَ أَنْكَرَتْ ذٰلِكَ عَلَىٰ فَاطِمَةَ بِنْتِ قَيْسٍ.

[3703] (...) A similar report (as no. 3702) was narrated from Shihâb with this chain, as well of the comment of 'Urwah about 'Âishah's objection to Fâṭimah bint Qais.

[٣٧٠٣] (...) وَحَدَّثَنِيهِ مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا حُجَيْنٌ: حَدَّثَنَا اللَّيْثُ عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، بِهٰذَا الْإِسْنَادِ مِثْلَهُ، مَعَ قَوْلِ عُرْوَةَ: إِنَّ عَائِشَةَ أَنْكَرَتْ ذٰلِكَ عَلَىٰ فَاطِمَةَ.

[1] Meaning, later after the death of the Prophet ﷺ, when she heard that Fâṭimah narrated this about a woman observing her *'Iddah* in other than her husband's house.

**[3704] 41 - (...)** It was narrated from 'Ubaidullâh bin 'Abdullâh bin 'Utbah that Abû 'Amr bin Ḥafṣ bin Al-Mughîrah set out with 'Alî bin Abî Ṭâlib for Yemen, and he sent word to his wife Fâṭimah bint Qais with her final divorce, and told Al-Ḥârith bin Hishâm and 'Ayyâsh bin Abî Rabî'ah to give her some maintenance. They said to her: "By Allâh, you will not have any maintenance unless you are pregnant." She came to the Prophet ﷺ and told him what they had said, and he said: "There is no maintenance for you." She asked him for permission to move, and he gave her permission. She said: "Where, O Messenger of Allâh?" He said: "To Ibn Umm Maktûm." He was blind, so she could take off her garments in his house and he would not see her. When her *'Iddah* was over, the Prophet ﷺ married her to Usâmah bin Zaid. Marwân sent Qabîṣah bin Dhuwaib to her to ask her about this *Ḥadîth*, and she narrated it to him. Marwân said: "We have only heard this *Ḥadîth* from a woman, so we will follow what we are certain of, which is what we found the people following." When news of what Marwân said reached Fâṭimah she said: "Between you and I is the Qur'ân. Allâh, Most High, says: "...And turn them

[٣٧٠٤] **٤١-(...)** حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ - وَاللَّفْظُ لِعَبْدٍ - قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ عُتْبَةَ: أَنَّ أَبَا عَمْرِو بْنَ حَفْصِ بْنِ الْمُغِيرَةِ خَرَجَ مَعَ عَلِيِّ بْنِ أَبِي طَالِبٍ إِلَىٰ الْيَمَنِ، فَأَرْسَلَ إِلَىٰ امْرَأَتِهِ فَاطِمَةَ بِنْتِ قَيْسٍ بِتَطْلِيقَةٍ كَانَتْ بَقِيَتْ مِنْ طَلَاقِهَا، وَأَمَرَ لَهَا الْحَارِثَ بْنَ هِشَامٍ وَعَيَّاشَ بْنَ أَبِي رَبِيعَةَ بِنَفَقَةٍ فَقَالَا لَهَا: وَاللهِ! مَا لَكِ نَفَقَةٌ إِلَّا أَنْ تَكُونِي حَامِلًا، فَأَتَتِ النَّبِيَّ ﷺ فَذَكَرَتْ لَهُ قَوْلَهُمَا، فَقَالَ: «لَا نَفَقَةَ لَكِ» فَاسْتَأْذَنَتْهُ فِي الْانْتِقَالِ فَأَذِنَ لَهَا، فَقَالَتْ: أَيْنَ؟ يَا رَسُولَ اللهِ! قَالَ: «إِلَىٰ ابْنِ أُمِّ مَكْتُومٍ» وَكَانَ أَعْمَىٰ، تَضَعُ ثِيَابَهَا عِنْدَهُ وَلَا يَرَاهَا، فَلَمَّا مَضَتْ عِدَّتُهَا أَنْكَحَهَا النَّبِيُّ ﷺ أُسَامَةَ بْنَ زَيْدٍ، فَأَرْسَلَ إِلَيْهَا مَرْوَانُ قَبِيصَةَ بْنَ ذُوَيْبٍ يَسْأَلُهَا عَنِ الْحَدِيثِ، فَحَدَّثَتْهُ بِهِ، فَقَالَ مَرْوَانُ: لَمْ نَسْمَعْ هٰذَا الْحَدِيثَ إِلَّا مِنِ امْرَأَةٍ، سَنَأْخُذُ بِالْعِصْمَةِ الَّتِي وَجَدْنَا النَّاسَ عَلَيْهَا، فَقَالَتْ فَاطِمَةُ - حِينَ بَلَغَهَا قَوْلُ مَرْوَانَ -: فَبَيْنِي وَبَيْنَكُمُ الْقُرْآنُ، قَالَ اللهُ تَعَالَىٰ: ﴿لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ﴾

not out of their (husband's) homes...".[1] She said: "This is for one whose divorce is revocable, so what new thing will Allâh bring to pass after the third (irrevocable divorce)? How can you say that she is not entitled to maintenance if she is not pregnant? On what grounds do you detain her?"

[الطلاق :١] الْآيَة. قَالَتْ: هٰذَا لِمَنْ كَانَتْ لَهُ مُرَاجَعَةٌ، فَأَيُّ أَمْرٍ يَحْدُثُ بَعْدَ الثَّلَاثِ؟ فَكَيْفَ تَقُولُونَ: لَا نَفَقَةَ لَهَا إِذَا لَمْ تَكُنْ حَامِلًا؟ فَعَلَامَ تَحْبِسُونَهَا؟.

**[3705] 42 - (...)** It was narrated that Ash-Sha'bî said: "I entered upon Fâtimah bint Qais, and I asked her about the ruling of the Messenger of Allâh ﷺ concerning her. She said: 'My husband divorced me irrevocably, and I referred my dispute with him about maintenance and accommodation to the Messenger of Allâh ﷺ. He did not grant me any accommodation nor maintenance, and he told me to observe my *'Iddah* in the house of Ibn Umm Maktûm.'"

**[٣٧٠٥] ٤٢-(...) وَحَدَّثَنِي** زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا سَيَّارٌ وَحُصَيْنٌ وَمُغِيرَةُ وَأَشْعَثُ وَمُجَالِدٌ وَإِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ وَدَاوُدُ - قَالَ دَاوُدُ حَدَّثَنَا - كُلُّهُمْ عَنِ الشَّعْبِيِّ قَالَ: دَخَلْتُ عَلَىٰ فَاطِمَةَ بِنْتِ قَيْسٍ، فَسَأَلْتُهَا عَنْ قَضَاءِ رَسُولِ اللهِ ﷺ عَلَيْهَا، قَالَتْ: طَلَّقَهَا زَوْجُهَا الْبَتَّةَ، فَقَالَتْ: فَخَاصَمْتُهُ إِلَىٰ رَسُولِ اللهِ ﷺ فِي السُّكْنَىٰ وَالنَّفَقَةِ، قَالَتْ: فَلَمْ يَجْعَلْ لِي سُكْنَىٰ وَلَا نَفَقَةً، وَأَمَرَنِي أَنْ أَعْتَدَّ فِي بَيْتِ ابْنِ أُمِّ مَكْتُومٍ.

**[3706] (...)** It was narrated from Ash-Sha'bî that he said: "I entered upon Fâtimah bint Qais..." a *Hadîth* like that of Zuhair from Hushaim (no. 3705).

**[٣٧٠٦] (...) وحَدَّثَنَاهُ** يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمٌ عَنْ حُصَيْنٍ وَدَاوُدَ وَمُغِيرَةَ وَإِسْمَاعِيلَ وَأَشْعَثَ، عَنِ الشَّعْبِيِّ؛ أَنَّهُ قَالَ: دَخَلْتُ عَلَىٰ فَاطِمَةَ بِنْتِ قَيْسٍ، بِمِثْلِ حَدِيثِ زُهَيْرٍ عَنْ هُشَيْمٍ.

[1] *At-Talâq* 65:1.

**[3707] 43 - (...)** Ash-Sha'bî said: "We entered upon Fâṭimah bint Qais and she offered us fresh dates and *Sawîq*. We asked her about the woman who has been thrice divorced - where should she observe her *'Iddah*? She said: 'My husband divorced me three times, and the Prophet ﷺ gave me permission to observe my *'Iddah* among my family.'"

[٣٧٠٧] **٤٣**-(...) **حَدَّثَنَا** يَحْيَى ابْنُ حَبِيبٍ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ الْهُجَيْمِيُّ: حَدَّثَنَا قُرَّةُ: حَدَّثَنَا سَيَّارٌ أَبُو الْحَكَمِ: حَدَّثَنَا الشَّعْبِيُّ قَالَ: دَخَلْنَا عَلَىٰ فَاطِمَةَ بِنْتِ قَيْسٍ فَأَتْحَفَتْنَا بِرُطَبِ ابْنِ طَابٍ، وَسَقَتْنَا سَوِيقَ سُلْتٍ، فَسَأَلْتُهَا عَنِ الْمُطَلَّقَةِ ثَلَاثًا أَيْنَ تَعْتَدُّ؟ قَالَتْ: طَلَّقَنِي بَعْلِي ثَلَاثًا، فَأَذِنَ لِيَ النَّبِيُّ ﷺ أَنْ أَعْتَدَّ فِي أَهْلِي.

**[3708] 44 - (...)** It was narrated from Ash-Sha'bî, from Fâṭimah bint Qais, that concerning a woman who has been thrice divorced, the Prophet ﷺ said: "She is not entitled to accommodation nor maintenance."

[٣٧٠٨] **٤٤**-(...) **حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنِ الشَّعْبِيِّ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ عَنِ النَّبِيِّ ﷺ فِي الْمُطَلَّقَةِ ثَلَاثًا، قَالَ: «لَيْسَ لَهَا سُكْنَىٰ وَلَا نَفَقَةٌ».

**[3709] 45 - (...)** It was narrated from Ash-Sha'bî that Fâṭimah bint Qais said: "My husband divorced me three times, and I wanted to move. I went to the Prophet ﷺ and he said: 'Move to the house of your cousin 'Amr bin Umm Maktûm, and observe your *'Iddah* there.'"

[٣٧٠٩] **٤٥**-(...) **وحَدَّثَنِي** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا عَمَّارُ بْنُ رُزَيْقٍ عَنْ أَبِي إِسْحَٰقَ، عَنِ الشَّعْبِيِّ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَتْ: طَلَّقَنِي زَوْجِي ثَلَاثًا، فَأَرَدْتُ النُّقْلَةَ، فَأَتَيْتُ النَّبِيَّ ﷺ، فَقَالَ: «انْتَقِلِي إِلَىٰ بَيْتِ ابْنِ عَمِّكِ عَمْرِو بْنِ أُمِّ مَكْتُومٍ، فَاعْتَدِّي عِنْدَهُ».

[٣٧١٠] ٤٦-(...) وحَدَّثَنَاه مُحَمَّدُ ابْنُ عَمْرِو بْنِ جَبَلَةَ: أَخْبَرَنَا أَبُو أَحْمَدَ: حَدَّثَنَا عَمَّارُ بْنُ رُزَيْقٍ عَنْ أَبِي إِسْحٰقَ قَالَ: كُنْتُ مَعَ الْأَسْوَدِ بْنِ يَزِيدَ جَالِسًا فِي الْمَسْجِدِ الْأَعْظَمِ، وَمَعَنَا الشَّعْبِيُّ، فَحَدَّثَ الشَّعْبِيُّ بِحَدِيثِ فَاطِمَةَ بِنْتِ قَيْسٍ؛ أَنَّ رَسُولَ اللهِ ﷺ لَمْ يَجْعَلْ لَهَا سُكْنَىٰ وَلَا نَفَقَةً، ثُمَّ أَخَذَ الْأَسْوَدُ كَفًّا مِنْ حَصًى فَحَصَبَهُ بِهِ، فَقَالَ: وَيْلَكَ! تُحَدِّثُ بِمِثْلِ هٰذَا، قَالَ عُمَرُ: لَا نَتْرُكُ كِتَابَ اللهِ وَسُنَّةَ نَبِيِّنَا ﷺ لِقَوْلِ امْرَأَةٍ، لَا نَدْرِي لَعَلَّهَا حَفِظَتْ أَوْ نَسِيَتْ لَهَا السُّكْنَىٰ وَالنَّفَقَةُ، [وَتَلَا الْآيَةَ] قَالَ اللهُ عَزَّ وَجَلَّ: ﴿لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّآ أَن يَأْتِينَ بِفَٰحِشَةٍ مُّبَيِّنَةٍ﴾ [الطلاق: ١].

**[3710] 46 - (...)** It was narrated that Abû Isḥâq said: "I was with Al-Aswad bin Yazîd, sitting in the grand *Masjid*,[1] and Ash-Sha'bî was with us. Ash-Sha'bî narrated the *Ḥadîth* of Fâṭimah bint Qais, that the Messenger of Allâh ﷺ did not grant to her any accommodation nor maintenance. Then Al-Aswad took a handful of pebbles and threw them at him, and said: 'Woe to you for narrating such a thing. 'Umar said: We will not leave the Book of Allâh and the *Sunnah* of our Prophet ﷺ for the words of a woman when we do not know whether she remembered or forgot. She is entitled to accommodation and maintenance. And he recited the verse: "...And turn them not out of their (husband's) homes nor shall they (themselves) leave, except in case they are guilty of some open *Fâḥishah*...""'[2]

[٣٧١١] (...) وحَدَّثَنَا أَحْمَدُ بْنُ عَبْدَةَ الضَّبِّيُّ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا سُلَيْمَانُ بْنُ مُعَاذٍ عَنْ أَبِي إِسْحٰقَ بِهٰذَا الْإِسْنَادِ، نَحْوَ حَدِيثِ أَبِي أَحْمَدَ عَنْ عَمَّارِ بْنِ رُزَيْقٍ بِقِصَّتِهِ.

**[3711] (...)** A *Ḥadîth* similar to that of Abû Aḥmad from 'Ammâr bin Ruzaiq (no. 3710) was narrated from Abû Isḥâq with this chain.

[1] Meaning the grand *Masjid* of Al-Kûfah, for Abû Isḥâq, Al-Aswad, and Ash-Sh'abî were all in Al-Kûfah.

[2] *Aṭ-Ṭalâq 65:1.*

**[3712] 47 - (...)** It was narrated that Abû Bakr bin Abî Al-Jahm bin Ṣukhair Al-'Adawî said: "I heard Fâṭimah bint Qais say that her husband divorced her thrice, and the Messenger of Allâh ﷺ did not grant her any accommodation or maintenance. She said: 'The Messenger of Allâh ﷺ said to me: "When your *'Iddah* is over, let me know." So she let him know, and Mu'âwiyah, Abû Jahm and Usâmah bin Zaid proposed to her. The Messenger of Allâh ﷺ said: "As for Mu'âwiyah, he is a poor man who has no wealth. As for Abû Jahm, he is a man who beats women. But (choose) Usâmah bin Zaid." She gestured with her hand like this, (as if expressing disapproval), saying said: "Usâmah!? Usâmah!?" But the Messenger of Allâh ﷺ said to her: "Obedience to Allâh and obedience to His Messenger is better for you." She said: 'So I married him and I was envied.'"

**[3713] 48 - (...)** It was narrated that Abû Bakr bin Abî Al-Jahm said: "I heard Fâṭimah bint Qais say: 'My husband Abû 'Amr bin Ḥafṣ bin Al-Mughîrah sent 'Ayyâsh bin Abî Rabî'ah to me with word of my divorce, and he sent with him five *Ṣâ's* of dates and five *Ṣâ's* of barley. I said: "Do I get no maintenance other than this? And am I not to observe my *'Iddah* in your home?" He said: "No." She said:

**[٣٧١٢] ٤٧-(...) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي بَكْرِ بْنِ أَبِي الْجَهْمِ بْنِ صُخَيْرٍ الْعَدَوِيِّ قَالَ: سَمِعْتُ فَاطِمَةَ بِنْتَ قَيْسٍ تَقُولُ: إِنَّ زَوْجَهَا طَلَّقَهَا ثَلَاثًا، فَلَمْ يَجْعَلْ لَهَا رَسُولُ اللهِ ﷺ سُكْنَىٰ وَلَا نَفَقَةً - قَالَتْ -: قَالَ لِي رَسُولُ اللهِ ﷺ «إِذَا حَلَلْتِ فَآذِنِينِي» فَآذَنْتُهُ، فَخَطَبَهَا مُعَاوِيَةُ وَأَبُو جَهْمٍ وَأُسَامَةُ بْنُ زَيْدٍ، فَقَالَ رَسُولُ اللهِ ﷺ «أَمَّا مُعَاوِيَةُ فَرَجُلٌ تَرِبٌ لَا مَالَ لَهُ، وَأَمَّا أَبُو جَهْمٍ فَرَجُلٌ ضَرَّابٌ النِّسَاءِ، وَلٰكِنْ أُسَامَةُ [بْنُ زَيْدٍ]» فَقَالَتْ بِيَدِهَا هَكَذَا: أُسَامَةُ! أُسَامَةُ! فَقَالَ لَهَا رَسُولُ اللهِ ﷺ: «طَاعَةُ اللهِ وَطَاعَةُ رَسُولِهِ خَيْرٌ لَكِ» قَالَتْ: فَتَزَوَّجْتُهُ فَاغْتُبِطْتُ.

**[٣٧١٣] ٤٨-(...) وحَدَّثَنِي** إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ عَنْ سُفْيَانَ، عَنْ أَبِي بَكْرِ بْنِ أَبِي الْجَهْمِ قَالَ: سَمِعْتُ فَاطِمَةَ بِنْتَ قَيْسٍ تَقُولُ: أَرْسَلَ إِلَيَّ زَوْجِي أَبُو عَمْرِو بْنُ حَفْصِ بْنِ الْمُغِيرَةِ، عَيَّاشَ بْنَ أَبِي رَبِيعَةَ بِطَلَاقِي: [وَ] أَرْسَلَ مَعَهُ بِخَمْسَةِ آصُعِ تَمْرٍ، وَخَمْسَةِ آصُعِ شَعِيرٍ، فَقُلْتُ: أَمَا لِي نَفَقَةٌ

"I got dressed and went to the Messenger of Allâh ﷺ. He said: 'How many times has he divorced you?' I said: 'Three.' He said: 'He is right, you are not entitled to maintenance. Observe your *'Iddah* in the house of your cousin 'Amr bin Umm Maktûm, for he is blind and you can take off your garments there. When your *'Iddah* is over, let me know.' Some men proposed to me, including Mu'âwiyah and Abû Al-Jahm. The Prophet ﷺ said to me: 'Mu'âwiyah is poor and destitute, and Abû Al-Jahm is harsh towards women' - or 'he beats women,' or words to that effect - 'but you should marry Usâmah bin Zaid.'"

إِلَّا هٰذَا؟ وَلَا أَعْتَدُّ فِي مَنْزِلِكُمْ؟ قَالَ: لَا، قَالَتْ: فَشَدَدْتُ عَلَيَّ ثِيَابِي، وَأَتَيْتُ رَسُولَ اللهِ ﷺ، فَقَالَ: «كَمْ طَلَّقَكِ؟» قُلْتُ: ثَلَاثًا. قَالَ: «صَدَقَ، لَيْسَ لَكِ نَفَقَةٌ، اعْتَدِّي فِي بَيْتِ ابْنِ عَمِّكِ [عَمْرِو ابْنِ أُمِّ مَكْتُومٍ، فَإِنَّهُ ضَرِيرُ الْبَصَرِ، تُلْقِي ثَوْبَكِ عِنْدَهُ، فَإِذَا انْقَضَتْ عِدَّتُكِ فَآذِنِينِي» قَالَتْ: فَخَطَبَنِي خُطَّابٌ، مِنْهُمْ مُعَاوِيَةُ وَأَبُو الْجَهْمِ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّ مُعَاوِيَةَ تَرِبٌ خَفِيفُ الْحَالِ، وَأَبُو الْجُهَيْمِ مِنْهُ شِدَّةٌ عَلَى النِّسَاءِ- أَوْ يَضْرِبُ النِّسَاءَ، أَوْ نَحْوَ هٰذَا - وَلٰكِنْ عَلَيْكِ بِأُسَامَةَ ابْنِ زَيْدٍ».

**[3714] 49 - (...)** Abû Bakr bin Abî Al-Jahm said: "Abû Salamah bin 'Abdur-Raḥmân and I entered upon Fâṭimah bint Qais. We asked her and she said: 'I was married to Abû 'Amr bin Ḥafṣ bin Al-Mughîrah. He went out on the campaign to Najrân...'" and he quoted a *Ḥadîth* like that of Ibn Mahdî (no. 3713), and added: "She said: 'So I married him and Allâh honored me with Abû Zaid and Allâh blessed me with Abû Zaid.'"

**[٣٧١٤] ٤٩-(...)** وحَدَّثَنِي إِسْحٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا أَبُو عَاصِمٍ: حَدَّثَنَا سُفْيَانُ الثَّوْرِيُّ: حَدَّثَنِي أَبُو بَكْرِ ابْنُ أَبِي الْجَهْمِ قَالَ: دَخَلْتُ أَنَا وأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمٰنِ عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ، فَسَأَلْنَاهَا فَقَالَتْ: كُنْتُ عِنْدَ أَبِي عَمْرِو بْنِ حَفْصِ بْنِ الْمُغِيرَةِ، فَخَرَجَ فِي غَزْوَةِ نَجْرَانَ، وَسَاقَ الْحَدِيثَ بِنَحْوِ حَدِيثِ ابْنِ مَهْدِيٍّ، وَزَادَ: قَالَتْ: فَتَزَوَّجْتُهُ فَشَرَّفَنِي اللهُ بِأَبِي زَيْدٍ، وَكَرَّمَنِي اللهُ بِأَبِي زَيْدٍ.

**[3715] 50 - (...)** Abû Bakr said: "Abû Salamah and I entered upon Fâṭimah bint Qais during the time of Ibn Az-Zubair, and she told us that her husband had divorced her irrevocably..." a *Ḥadîth* like that of Sufyân (no. 3714).

**[٣٧١٥] ٥٠-(...)** وحَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُعَاذٍ الْعَنْبَرِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ: حَدَّثَنِي أَبُو بَكْرٍ قَالَ: دَخَلْتُ أَنَا وأَبُو سَلَمَةَ عَلَىٰ فَاطِمَةَ بِنْتِ قَيْسٍ، زَمَنَ ابْنِ الزُّبَيْرِ، فَحَدَّثَتْنَا أَنَّ زَوْجَهَا طَلَّقَهَا طَلَاقًا بَاتًّا، بِنَحْوِ حَدِيثِ سُفْيَانَ.

**[3716] 51 - (...)** It was narrated that Fâṭimah bint Qais said: "My husband divorced me three times, and the Messenger of Allâh ﷺ did not grant me any accommodation nor maintenance."

**[٣٧١٦] ٥١-(...)** وحَدَّثَنِي حَسَنُ بْنُ عَلِيٍّ الْحُلْوَانِيُّ: حَدَّثَنَا يَحْيَى ابْنُ آدَمَ: حَدَّثَنَا حَسَنُ بْنُ صَالِحٍ عَنِ السُّدِّيِّ، عَنِ الْبَهِيِّ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَتْ: طَلَّقَنِي زَوْجِي ثَلَاثًا، فَلَمْ يَجْعَلْ لِي رَسُولُ اللهِ ﷺ سُكْنَىٰ وَلَا نَفَقَةً.

**[3717] 52 - (1481)** It was narrated from Hishâm: "My father told me: 'Yaḥyâ bin Sa'eed bin Al-'Aṣ married the daughter of 'Abdur-Raḥmân bin Al-Ḥakam, then he divorced her and expelled her out of his house. 'Urwah criticized them for that, and they said: "Fâṭimah went out (of her husband's house)." 'Urwah said: "I went to 'Âishah and told her about that. She said: 'There is nothing good for Fâṭimah bint Qais in narrating this *Ḥadîth*.'"

**[٣٧١٧] ٥٢-(١٤٨١)** وحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ هِشَامٍ: حَدَّثَنِي أَبِي قَالَ: تَزَوَّجَ يَحْيَى بْنُ سَعِيدِ ابْنِ الْعَاصِ بِنْتَ عَبْدِ الرَّحْمَٰنِ بْنِ الْحَكَمِ، فطَلَّقَهَا فَأَخْرَجَهَا مِنْ عِنْدِهِ، فَعَابَ ذٰلِكَ عَلَيْهِمْ عُرْوَةُ، فقَالُوا: إِنَّ فَاطِمَةَ قَدْ خَرَجَتْ. قَالَ عُرْوَةُ: فَأَتَيْتُ عَائِشَةَ فأَخْبَرْتُهَا بِذٰلِكَ فَقَالَتْ: مَا لِفَاطِمَةَ بِنْتِ قَيْسٍ خَيْرٌ [فِي] أَنْ تَذْكُرَ هٰذَا الْحَدِيثَ. [انظر: ٣٧١٩]

**[3718] 53 - (1482)** It was narrated that Fâṭimah bint Qais said: "I said: 'O Messenger of Allâh, my husband has divorced me three times, and I am afraid that someone may break in.' So he told her to move."

**[٣٧١٨] ٥٣-(١٤٨٢) وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ: حَدَّثَنَا هِشَامٌ عَنْ أَبِيهِ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَتْ: قُلْتُ: يَا رَسُولَ اللهِ! زَوْجِي طَلَّقَنِي ثَلَاثًا، وَأَخَافُ أَنْ يُقْتَحَمَ عَلَيَّ. قَالَ: فَأَمَرَهَا فَتَحَوَّلَتْ.

**[3719] 54 - (1481)** [1] It was narrated from 'Âishah that she said: "There is nothing good for Fâṭimah in narrating this" (a *Ḥadîth* similar to no. 3717)- meaning, that she had no accommodation or maintenance.

**[٣٧١٩] ٥٤-(١٤٨١) وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: مَا لِفَاطِمَةَ خَيْرٌ أَنْ تَذْكُرَ هٰذَا- تَعْنِي قَوْلَهَا: لَا سُكْنَىٰ وَلَا نَفَقَةَ. [راجع: ٣٧١٧]

**[3720]... - (...)** It was narrated from 'Abdur-Raḥmân bin Al-Qâsim that his father said: "'Urwah bin Az-Zubair said to 'Âishah: 'Do you not see so-and-so the daughter of Al-Ḥakam? Her husband divorced her three times and she left.' She said: 'It is a bad thing that she has done.' He said: 'Have you not heard what Fâṭimah says?' She said: 'There is nothing good for her in mentioning that.'"

**[٣٧٢٠] (...) وحَدَّثَنِي** إِسْحَٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّحْمَٰنِ عَنْ سُفْيَانَ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ قَالَ: قَالَ عُرْوَةُ بْنُ الزُّبَيْرِ لِعَائِشَةَ: أَلَمْ تَرَيْ إِلَىٰ فُلَانَةَ بِنْتِ الْحَكَمِ؟ طَلَّقَهَا زَوْجُهَا الْبَتَّةَ فَخَرَجَتْ، فَقَالَتْ: بِئْسَمَا صَنَعَتْ، فَقَالَ: أَلَمْ تَسْمَعِي إِلَىٰ قَوْلِ فَاطِمَةَ؟ فَقَالَتْ: أَمَا إِنَّهُ لَا خَيْرَ لَهَا فِي ذِكْرِ ذَاكَ.

[1] The sequence is like this in the text.

## Chapter 7. It Is Permissible For A Women Who Is Observing *'Iddah* After An Irrevocable Divorce Or The Death Of Her Husband To Go Out During The Day If She Needs To

## (المعجم ٧) - (بَابُ جواز خروج المعتدة البائن والمتوفى عنها زوجها في النهار لحاجتها) (التحفة ٧)

**[3721] 55 - (1483)** Jâbir bin 'Abdullâh said: "My maternal aunt was divorced and she wanted to harvest her date palms. A man rebuked her for going out, so she went to the Prophet ﷺ (inquiring about going out during *'Iddah*) and he said: 'No, go and harvest your date palms, for perhaps you will give charity or do an act of kindness.'"

**[٣٧٢١] ٥٥-(١٤٨٣)** وحَدَّثني مُحَمَّدُ بْنُ حَاتِمِ بْنِ مَيْمُونٍ: حَدَّثَنَا يَحْيَى ابْنُ سَعِيدٍ عَنِ ابْنِ جُرَيْجٍ؛ وَحَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنِي ابْنُ جُرَيْجٍ؛ قَالَ: وَحَدَّثَنِي هَارُونُ بْنُ عَبْدِ اللهِ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ قَالَ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: طُلِّقَتْ خَالَتِي، فَأَرَادَتْ أَنْ تَجُدَّ نَخْلَهَا، فَزَجَرَهَا رَجُلٌ أَنْ تَخْرُجَ، فَأَتَتِ النَّبِيَّ ﷺ فَقَالَ: «بَلَىٰ، فَجُدِّي نَخْلَكِ، فَإِنَّكِ عَسَىٰ أَنْ تَصَدَّقِي أَوْ تَفْعَلِي مَعْرُوفًا».

## Chapter 8. The *'Iddah* Of A Woman Whose Husband Had Died, And The Like, Ends When She Gives Birth

## (المعجم ٨) - (بَابُ انقضاء عدة المتوفى عنها وغيرها، بوضع الحمل) (التحفة ٨)

**[3722] 56 - (1484)** 'Ubaidullâh bin 'Abdullâh bin 'Utbah bin Mas'ûd narrated that his father wrote to 'Umar bin 'Abdullâh bin Al-Arqam Az-Zuhrî, telling him to go to Subai'ah bint Al-Ḥâri<u>th</u> Al-Aslamiyyah to ask her about

**[٣٧٢٢] ٥٦-(١٤٨٤)** وحَدَّثني أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ - وَتَقَارَبَا فِي اللَّفْظِ قَالَ حَرْمَلَةُ: حَدَّثَنَا، وَقَالَ أَبُو الطَّاهِرِ: أَخْبَرَنَا - ابْنُ وَهْبٍ: حَدَّثَنِي

her *Hadîth*, and what the Messenger of Allâh ﷺ said to her when she consulted him. 'Umar bin 'Abdullâh wrote back to 'Abdullâh bin 'Utbah telling him that Subai'ah told him that she was married to Sa'd bin Khawlah, one of Banû 'Amir bin Lu'ayy, who was one of those who had been present at (the Battle of) Badr. He died during the Farewell Pilgrimage while she was pregnant, and she gave birth shortly after he died. When her *Nifâs* ended, she adorned herself to receive offers of marriage. Abû As-Sanâbil bin Ba'kak - a man from Banû 'Abd Ad-Dâr - entered upon her and said to her: "Why do I see you beautified? Perhaps you are hoping to get married? By Allâh, you will not get married until four months and ten days have passed!" Subai'ah said: "When he said that to me, I got dressed that evening and went to the Messenger of Allâh ﷺ and asked him about that. He advised me that my *'Iddah* had ended when I gave birth, and he told me to get married if I wanted to."

Ibn Shihâb said: "I do not see anything wrong with (a woman) getting married after she has given birth, even if she is still bleeding, but her husband should not come close to her until she becomes pure."

يُونُسُ بْنُ يَزِيدَ عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي عُبَيْدُ اللهِ بْنُ عَبْدِ اللهِ بْنِ عُتْبَةَ [ابْنِ مَسْعُودٍ]؛ أَنَّ أَبَاهُ كَتَبَ إِلَىٰ عُمَرَ بْنِ عَبْدِ اللهِ بْنِ الْأَرْقَمِ الزُّهْرِيِّ، يَأْمُرُهُ أَنْ يَدْخُلَ عَلَىٰ سُبَيْعَةَ بِنْتِ الْحَارِثِ الْأَسْلَمِيَّةِ، فَيَسْأَلَهَا عَنْ حَدِيثِهَا وَعمَّا قَالَ لَهَا رَسُولُ اللهِ ﷺ، حِينَ اسْتَفْتَتْهُ، فَكَتَبَ عُمَرُ بْنُ عَبْدِ اللهِ إِلَىٰ عَبْدِ اللهِ بْنِ عُتْبَةَ يُخْبِرُهُ أَنَّ سُبَيْعَةَ أَخْبَرَتْهُ؛ أَنَّهَا كَانَتْ تَحْتَ سَعْدِ بْنِ خَوْلَةَ، وَهُوَ فِي بَنِي عَامِرِ بْنِ لُؤَيٍّ، وَكَانَ مِمَّنْ شَهِدَ بَدْرًا، فَتُوُفِّيَ عَنْهَا فِي حَجَّةِ الْوَدَاعِ وَهِيَ حَامِلٌ، فَلَمْ تَنْشَبْ أَنْ وَضَعَتْ حَمْلَهَا بَعْدَ وَفَاتِهِ، فَلَمَّا تَعَلَّتْ مِنْ نِفَاسِهَا تَجَمَّلَتْ لِلْخُطَّابِ، فَدَخَلَ عَلَيْهَا أَبُو السَّنَابِلِ بْنُ بَعْكَكٍ - رَجُلٌ مِنْ بَنِي عَبْدِ الدَّارِ - فَقَالَ لَهَا: مَا لِي أَرَاكِ مُتَجَمِّلَةً؟ لَعَلَّكِ تَرْجِينَ النِّكَاحَ، إِنَّكِ وَاللهِ! مَا أَنْتِ بِنَاكِحٍ حَتَّىٰ تَمُرَّ عَلَيْكِ أَرْبَعَةُ أَشْهُرٍ وَعَشْرٌ. قَالَتْ سُبَيْعَةُ: فَلَمَّا قَالَ لِي ذَلِك، جَمَعْتُ عَلَيَّ ثِيَابِي حِينَ أَمْسَيْتُ، فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَسَأَلْتُهُ عَنْ ذَلِكَ؟ فَأَفْتَانِي بِأَنِّي قَدْ حَلَلْتُ حِينَ وَضَعْتُ حَمْلِي، وَأَمَرَنِي بِالتَّزَوُّجِ إِنْ بَدَا لِي.

قَالَ ابْنُ شِهَابٍ: فَلَا أَرَىٰ بَأْسًا أَنْ تَتَزَوَّجَ حِينَ وَضَعَتْ، وَإِنْ كَانَتْ فِي دَمِهَا، غَيْرَ أَنَّهُ لَا يَقْرَبُهَا زَوْجُهَا حَتَّىٰ تَطْهُرَ.

**[3723] 57 - (1485)** Sulaimân bin Yasâr narrated that Abû Salamah bin 'Abdur-Raḥmân and Ibn 'Abbâs met in the house of Abû Hurairah, and they were talking about a woman who gives birth a few days after her husband has died. Ibn 'Abbâs said: "Her *'Iddah* is the longer of the two periods." Abû Salamah said: "Her *'Iddah* is over." They started to dispute about that. Then Abû Hurairah said: "I am with my nephew" - meaning Abû Salamah. So they sent Kuraib, the freed slave of Ibn 'Abbâs, to Umm Salamah to ask her about that. He came to them and told them that Umm Salamah said: "Subai'ah Al-Aslamiyyah gave birth a few days after her husband died, and she mentioned that to the Messenger of Allâh ﷺ, who told her to get married."

**[٣٧٢٣] ٥٧-(١٤٨٥) حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ الْعَنَزِيُّ: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ: أَخْبَرَنِي سُلَيْمَانُ بْنُ يَسَارٍ؛ أَنَّ أَبَا سَلَمَةَ ابْنَ عَبْدِ الرَّحْمَٰنِ وَابْنَ عَبَّاسٍ اجْتَمَعَا عِنْدَ أَبِي هُرَيْرَةَ، وَهُمَا يَذْكُرَانِ الْمَرْأَةَ تُنْفَسُ بَعْدَ وَفَاةِ زَوْجِهَا بِلَيَالٍ، فَقَالَ ابْنُ عَبَّاسٍ: عِدَّتُهَا آخِرُ الْأَجَلَيْنِ، وَقَالَ أَبُو سَلَمَةَ: قَدْ حَلَّتْ، فَجَعَلَا يَتَنَازَعَانِ ذٰلِك - قَالَ - فَقَالَ أَبُو هُرَيْرَةَ: أَنَا مَعَ ابْنِ أَخِي - يَعْنِي أَبَا سَلَمَةَ - فَبَعَثُوا كُرَيْبًا مَوْلَىٰ ابْنِ عَبَّاسٍ إِلَىٰ أُمِّ سَلَمَةَ يَسْأَلُهَا عَنْ ذَلِكَ؟ فَجَاءَهُمْ فَأَخْبَرَهُمْ أَنَّ أُمَّ سَلَمَةَ قَالَتْ: إِنَّ سُبَيْعَةَ الْأَسْلَمِيَّةَ نُفِسَتْ بَعْدَ وَفَاةِ زَوْجِهَا بِلَيَالٍ، وَإِنَّهَا ذَكَرَتْ ذَلِكَ لِرَسُولِ اللهِ ﷺ، فَأَمَرَهَا أَنْ تَتَزَوَّجَ.

**[3724] (...)** It was narrated from Yaḥyâ bin Sa'eed with this chain (a *Ḥadîth* similar to no. 3723), except that Al-Laith said in his *Ḥadîth*: "They sent word to Umm

**[٣٧٢٤] (...) وحَدَّثَنَاه** مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ قَالَا: حَدَّثَنَا يَزِيدُ بْنُ

Salamah," and he did not mention Kuraib by name.

هَرُونَ، كِلَاهُمَا عَنْ يَحْيَى بْنِ سَعِيدٍ بِهَٰذَا الْإِسْنَادِ، غَيْرَ أَنَّ اللَّيْثَ قَالَ فِي حَدِيثِهِ: فَأَرْسَلُوا إِلَىٰ أُمِّ سَلَمَةَ، وَلَمْ يُسَمِّ كُرَيْبًا.

## Chapter 9. The Obligation To Mourn During The *'Iddah* Following The Death Of One's Husband, But It Is Forbidden To Mourn For More Than Three Days In Other Cases

## (المعجم ٩) - (بَابُ وجوب الإحداد في عدة الوفاة، وتحريمه في غير ذلك، إلا ثلاثة أيام) (التحفة ٩)

**[3725] 58 - (1486)** It was narrated from Humaid bin Nâfi', from Zainab bint Abî Salamah, that she told him these three *Ahâdîth*. He said: "Zainab said: 'I entered upon Umm Habîbah, the wife of the Prophet ﷺ, when her father Abû Sufyân died. Umm Habîbah called for some perfume that had a yellowish color, *Khalûq* or something else, and she put some of it on a girl, then she wiped her cheeks with it and said: "By Allâh, I have no need of perfume, but I heard the Messenger of Allâh ﷺ saying on the *Minbar*: 'It is not permissible for a women who believes in Allâh and the Last Day to mourn for more than three days for anyone who dies, except for a husband; four months and ten days.'"

**[٣٧٢٥] ٥٨-(١٤٨٦)** وحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ أَنَّهَا أَخْبَرَتْهُ هَٰذِهِ الْأَحَادِيثَ الثَّلَاثَةَ قَالَ: قَالَتْ زَيْنَبُ: دَخَلْتُ عَلَىٰ أُمِّ حَبِيبَةَ زَوْجِ النَّبِيِّ ﷺ، حِينَ تُوُفِّيَ أَبُوهَا أَبُو سُفْيَانَ، فَدَعَتْ أُمُّ حَبِيبَةَ بِطِيبٍ فِيهِ صُفْرَةٌ، خَلُوقٌ أَوْ غَيْرُهُ، فَدَهَنَتْ مِنْهُ جَارِيَةً، ثُمَّ مَسَّتْ بِعَارِضَيْهَا ثُمَّ قَالَتْ: وَاللهِ! مَا لِي بِالطِّيبِ [مِنْ] حَاجَةٍ، غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ عَلَى الْمِنْبَرِ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ، تُحِدُّ عَلَىٰ مَيِّتٍ فَوْقَ ثَلَاثٍ، إِلَّا عَلَىٰ زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا». [انظر: ٣٧٢٩ و ٣٧٣٤]

**[3726] (1487)** Zainab said: "Then I entered upon Zainab bint Jahsh when her brother died. She called for some perfume and put on some of it, then she said: 'By Allâh, I have no need of perfume, but I heard the Messenger of Allâh ﷺ saying on the *Minbar*: "It is not permissible for a woman who believes in Allâh and the Last Day to mourn for more than three days for anyone who dies, except for a husband; four months and ten days."

**[٣٧٢٦] (١٤٨٧) قَالَتْ زَيْنَبُ** : ثُمَّ دَخَلْتُ عَلَىٰ زَيْنَبَ بِنْتِ جَحْشٍ حِينَ تُوُفِّيَ أَخُوهَا، فَدَعَتْ بِطِيبٍ فَمَسَّتْ مِنْهُ ثُمَّ قَالَتْ: وَاللهِ! مَا لِي بِالطِّيبِ مِنْ حَاجَةٍ، غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ عَلَىٰ الْمِنْبَرِ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ، تُحِدُّ عَلَىٰ مَيِّتٍ فَوْقَ ثَلَاثٍ، إِلَّا عَلَىٰ زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا». [انظر: ٣٧٣٠]

**[3727] (1488)** Zainab said: "I heard my mother Umm Salamah say: A woman came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, my daughter's husband has died, and she has trouble in her eye; can we apply kohl for her?" The Messenger of Allâh ﷺ said: "No," two or three times, then he said: "It is only four months and ten days. During the *Jâhiliyyah* one of you would throw a piece of dung at the end of one year."

**[٣٧٢٧] (١٤٨٨) قَالَتْ زَيْنَبُ** : سَمِعْتُ أُمِّي أُمَّ سَلَمَةَ تَقُولُ: جَاءَتِ امْرَأَةٌ إِلَىٰ رَسُولِ اللهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ ابْنَتِي تُوُفِّيَ عَنْهَا زَوْجُهَا، وَقَدِ اشْتَكَتْ عَيْنُهَا، أَفَنَكْحُلُهَا؟ فَقَالَ رَسُولُ اللهِ ﷺ: «لَا» - مَرَّتَيْنِ أَوْ ثَلَاثًا، كُلَّ ذٰلِكَ يَقُولُ: «لَا» -، ثُمَّ قَالَ: «إِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرٌ، وَقَدْ كَانَتْ إِحْدَاكُنَّ فِي الْجَاهِلِيَّةِ تَرْمِي بِالْبَعَرَةِ عَلَىٰ رَأْسِ الْحَوْلِ».

**[3728] (1489)** Humaid said: "I said to Zainab: 'What is this throwing a piece of dung at the end of one year?[1] Zainab said: 'If a woman's husband died, she would go into a hut and wear her worst clothes, and she would not put on perfume or anything until

**[٣٧٢٨] (١٤٨٩) قَالَ حُمَيْدٌ** : فَقُلْتُ لِزَيْنَبَ: وَمَا تَرْمِي بِالْبَعَرَةِ عَلَىٰ رَأْسِ الْحَوْلِ؟ فَقَالَتْ زَيْنَبُ: كَانَتِ الْمَرْأَةُ، إِذَا تُوُفِّيَ عَنْهَا زَوْجُهَا دَخَلَتْ حِفْشًا، وَلَبِسَتْ شَرَّ ثِيَابِهَا، وَلَمْ تَمَسَّ طِيبًا وَلَا شَيْئًا حَتَّى

[1] See *Hadîth* no. 3727.

one year had passed. Then an animal would be brought - a donkey or a sheep or a bird - she would rub her hands over it, and rarely did (such a woman) rub her hands over anything but it died. Then she would be given a piece of dung which she would throw, then she would go back to whatever she wanted to of perfume and other things.'"

تَمُرَّ بِهَا سَنَةٌ، ثُمَّ تُؤْتَىٰ بِدَابَّةٍ - حِمَارٍ أَوْ شَاةٍ أَوْ طَيْرٍ - فَتَفْتَضُّ بِهِ، فَقَلَّمَا تَفْتَضُّ بِشَيْءٍ إِلَّا مَاتَ، ثُمَّ تَخْرُجُ فَتُعْطَىٰ بَعَرَةً فَتَرْمِي بِهَا، ثُمَّ تُرَاجِعُ، بَعْدُ، مَا شَاءَتْ مِنْ طِيبٍ أَوْ غَيْرِهِ.

**[3729] 59 - (1486)** It was narrated that Humaid bin Nâfi' said: I heard Zainab, the daughter of Umm Salamah, say: A close relative of Umm Habîbah died, and she called for some yellow perfume and put it on her forearms, and she said: "I only did this because I heard the Messenger of Allâh ﷺ say: 'It is not permissible for a woman who believes in Allâh and the Last Day to mourn for more than three days, except for a husband, four months and ten days.'"

**[٣٧٢٩] ٥٩-(١٤٨٦) وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ حُمَيْدِ بْنِ نَافِعٍ قَالَ: سَمِعْتُ زَيْنَبَ بِنْتَ أُمِّ سَلَمَةَ قَالَتْ: تُوُفِّيَ حَمِيمٌ لِأُمِّ حَبِيبَةَ، فَدَعَتْ بِصُفْرَةٍ فَمَسَحَتْهُ بِذِرَاعَيْهَا وَقَالَتْ: إِنَّمَا أَصْنَعُ هٰذَا لِأَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحِدَّ فَوْقَ ثَلَاثٍ، إِلَّا عَلَىٰ زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا». [راجع: ٣٧٢٥]

**[3730] (1487/1488)** Zainab narrated it from her mother, and from Zainab the wife of the Prophet ﷺ - or from one of the wives of the Prophet ﷺ (a *Hadîth* similar to no. 3729).

**[٣٧٣٠] (١٤٨٧/١٤٨٨) وَحَدَّثَتْهُ** زَيْنَبُ عَنْ أُمِّهَا، وَعَنْ زَيْنَبَ زَوْجِ النَّبِيِّ ﷺ - أَوْ عَنِ امْرَأَةٍ مِنْ بَعْضِ أَزْوَاجِ النَّبِيِّ ﷺ. [راجع: ٣٧٢٦]

**[3731] 60 - (1488)** It was narrated that Humaid bin Nâfi' said: "I heard Zainab, the daughter of Umm Salamah, narrating from her mother, that a woman's husband died, and they

**[٣٧٣١] ٦٠-(١٤٨٨) وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ حُمَيْدِ بْنِ نَافِعٍ قَالَ: سَمِعْتُ زَيْنَبَ بِنْتَ أُمِّ سَلَمَةَ تُحَدِّثُ عَنْ أُمِّهَا أَنَّ امْرَأَةً تُوُفِّيَ

were worried about her (diseased) eye. They came to the Prophet ﷺ and asked him for permission to use kohl, and the Messenger of Allâh ﷺ said: 'One of you used to stay in the worst part of her house, in her worst garments' - or 'in her worst garments in her house - for a year, then if a dog passed by she would throw a piece of dung and then come out. Isn't it only four months and ten days?'"

زَوْجُهَا، فَخَافُوا عَلَىٰ عَيْنِهَا، فَأَتَوُا النَّبِيَّ ﷺ، فَاسْتَأْذَنُوهُ فِي الْكُحْلِ، فَقَالَ رَسُولُ اللهِ ﷺ: «قَدْ كَانَتْ إِحْدَاكُنَّ تَكُونُ فِي شَرِّ بَيْتِهَا فِي أَحْلَاسِهَا - أَوْ فِي شَرِّ أَحْلَاسِهَا فِي بَيْتِهَا - حَوْلًا، فَإِذَا مَرَّ كَلْبٌ رَمَتْ بِبَعَرَةٍ فَخَرَجَتْ أَفَلَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا؟».

**[3732] (...)** Both *Ahadîth* (no. 3729, 2730) were narrated from Humaid bin Nâfi', the *Hadîth* of Umm Salamah about kohl and the *Hadîth* of Umm Salamah and another of the wives of the Prophet ﷺ, except that he did not name her as Zainab, similar to the *Hadîth* of Muhammad bin Ja'far.

[٣٧٣٢] (...) **وحَدَّثَنَا** عُبَيْدُ اللهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ حُمَيْدِ ابْنِ نَافِعٍ بِالْحَدِيثَيْنِ جَمِيعًا حَدِيثِ أُمِّ سَلَمَةَ فِي الكُحْلِ، وَحَدِيثِ أُمِّ سَلَمَةَ وَأُخْرَىٰ مِنْ أَزْوَاجِ النَّبِيِّ ﷺ، غَيْرَ أَنَّهُ لَمْ تُسَمِّهَا زَيْنَبُ، نَحْوَ حَدِيثِ مُحَمَّدِ بْنِ جَعْفَرٍ.

**[3733] 61 - (1486/1488)** It was narrated from Humaid bin Nâfi' that he heard Zainab bint Abî Salamah narrate that Umm Salamah and Umm Habîbah mentioned that a woman came to the Messenger of Allâh ﷺ and told him that the husband of a daughter of hers had died, and she had a problem in her eye and wanted to use kohl. The Messenger of Allâh ﷺ said: "One of you used to throw a piece of dung at the end of a year. It is only four months and ten days."

[٣٧٣٣] ٦١-(١٤٨٨/١٤٨٦)

**وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ قَالَا: حَدَّثَنَا يَزِيدُ بْنُ هٰرُونَ: أَخْبَرَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ حُمَيْدِ بْنِ نَافِعٍ؛ أَنَّهُ سَمِعَ زَيْنَبَ بِنْتَ أَبِي سَلَمَةَ تُحَدِّثُ عَنْ أُمِّ سَلَمَةَ وَأُمِّ حَبِيبَةَ تَذْكُرَانِ [أَنَّ] امْرَأَةً أَتَتْ رَسُولَ اللهِ ﷺ، فَذَكَرَتْ [لَهُ] أَنَّ ابْنَةً لَهَا تُوُفِّيَ عَنْهَا زَوْجُهَا، فَاشْتَكَتْ عَيْنُهَا فَهِيَ تُرِيدُ أَنْ تَكْحُلَهَا فَقَالَ رَسُولُ اللهِ ﷺ: «قَدْ كَانَتْ إِحْدَاكُنَّ تَرْمِي بِالْبَعَرَةِ عِنْدَ رَأْسِ الْحَوْلِ وَإِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا».

**[3734] 62 - (1486)** It was narrated that Zainab bint Abî Salamah said: "When news of the death of Abû Sufyân came to Umm Ḥabîbah, on the third day she called for some yellowish perfume and wiped some of it on her forearms and cheeks, and said: 'I have no need of this, but I heard the Prophet ﷺ say: It is not permissible for a woman who believes in Allâh and the Last Day, to mourn for more than three days, except for a husband, for whom she should mourn for four months and ten days.'"

**[٣٧٣٤] ٦٢-(١٤٨٦) حَدَّثَنَا** عَمْرٌو النَّاقِدُ وَابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لِعَمْرٍو - قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَيُّوبَ ابْنِ مُوسَىٰ، عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ قَالَتْ: لَمَّا أَتَىٰ أُمَّ حَبِيبَةَ نَعِيُّ أَبِي سُفْيَانَ دَعَتْ - فِي الْيَوْمِ الثَّالِثِ - بِصُفْرَةٍ، فَمَسَحَتْ بِهِ ذِرَاعَيْهَا وَعَارِضَيْهَا. وَقَالَتْ: كُنْتُ عَنْ هٰذَا غَنِيَّةً، سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ، أَنْ تُحِدَّ فَوْقَ ثَلَاثٍ، إِلَّا عَلَىٰ زَوْجٍ، فَإِنَّهَا تُحِدُّ عَلَيْهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا». [راجع: ٣٧٢٥]

**[3735] 63 - (1490)** It was narrated from Nâfi' that Ṣafiyyah bint Abî 'Ubaid narrated to him from Ḥafṣah, or from 'Âishah, or from them both, that the Messenger of Allâh ﷺ said: "It is not permissible for any woman who believes in Allâh and the Last Day, or who believes in Allâh and His Messenger, to mourn for more than three days for anyone, except for her husband."

**[٣٧٣٥] ٦٣-(١٤٩٠) وحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ وَقُتَيْبَةُ وَابْنُ رُمْحٍ عَنِ اللَّيْثِ بْنِ سَعْدٍ، عَنْ نَافِعٍ؛ أَنَّ صَفِيَّةَ بِنْتَ أَبِي عُبَيْدٍ حَدَّثَتْهُ عَنْ حَفْصَةَ، أَوْ عَنْ عَائِشَةَ أَوْ عَنْ كِلْتَيْهِمَا أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ - أَوْ تُؤْمِنُ بِاللهِ وَرَسُولِهِ - أَنْ تُحِدَّ عَلَىٰ مَيِّتٍ فَوْقَ ثَلَاثَةِ أَيَّامٍ، إِلَّا عَلَىٰ زَوْجِهَا».

**[3736] (...)** A *Ḥadîth* similar to that of Al-Laith (no. 3735) was narrated from Nâfi' with this chain.

**[٣٧٣٦] (...) وحَدَّثَنَاه** شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي ابْنَ مُسْلِمٍ: حَدَّثَنَا عَبْدُ اللهِ بْنُ دِينَارٍ، عَنْ نَافِعٍ بِإِسْنَادِ حَدِيثِ اللَّيْثِ، مِثْلَ رِوَايَتِهِ.

**[3737] 64 - (...)** It was narrated from Ṣafiyyah bint Abî ʻUbaid that she heard Ḥafṣah bint ʻUmar, the wife of the Prophet ﷺ, narrating a *Ḥadîth* from the Prophet ﷺ that was similar to that of Al-Laith and Ibn Dînâr (no. 3735), and he added: "She should mourn for him for four months and ten days."

[٣٧٣٧] **٦٤-(. . .) وحَدَّثَناه** أَبُو غَسَّانَ الْمِسْمَعِيُّ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ قَالَا: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ يَحْيَى ابْنَ سَعِيدٍ يَقُولُ: سَمِعْتُ نَافِعًا يُحَدِّثُ عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ؛ أَنَّهَا سَمِعَتْ حَفْصَةَ بِنْتَ عُمَرَ، زَوْجَ النَّبِيِّ ﷺ تُحَدِّثُ عَنِ النَّبِيِّ ﷺ، بِمِثْلِ حَدِيثِ اللَّيْثِ وَابْنِ دِينَارٍ، وَزَادَ «فَإِنَّهَا تُحِدُّ عَلَيْهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا».

**[3738] (...)** A *Ḥadîth* similar to theirs (i.e. Nâfiʻ and Al-Laith) was narrated from Ṣafiyyah bint Abî ʻUbaid, from one of the wives of the Prophet ﷺ, from the Prophet ﷺ.

[٣٧٣٨] **(. . .) وحَدَّثَنَاهُ** أَبُو الرَّبِيعِ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ، جَمِيعًا عَنْ نَافِعٍ، عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ، عَنْ بَعْضِ أَزْوَاجِ النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ بِمَعْنَىٰ حَدِيثِهِمْ.

**[3739] 65 - (1491)** It was narrated from ʻÂishah that the Prophet ﷺ said: "It is not permissible for a woman who believes in Allâh and the Last Day to mourn for more than three days for anyone who dies, except for her husband."

[٣٧٣٩] **٦٥-(١٤٩١) وحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَعَمْرٌو النَّاقِدُ وَزُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لِيَحْيَىٰ - قَالَ يَحْيَىٰ: أَخْبَرَنَا وَقَالَ الْآخَرُونَ: حَدَّثَنَا - سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَحِلُّ لِامْرَأَةٍ تُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ، أَنْ تُحِدَّ عَلَىٰ مَيِّتٍ فَوْقَ ثَلَاثٍ، إِلَّا عَلَىٰ زَوْجِهَا».

**[3740] 66 - (938 [sic])** It was narrated from Umm ʻAṭiyyah that the Messenger of Allâh ﷺ

[٣٧٤٠] **٦٦-(٩٣٨) وحَدَّثَنَا** حَسَنُ ابْنُ الرَّبِيعِ: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ

said: "No woman should mourn for more than three days for anyone who dies, except for her husband; four months and ten days, when she should not wear any dyed clothes except a garment made of *'Aṣb*,[1] and she should not put on kohl or perfume except in the case of purifying herself after menses, when she may use a little *Qusṭ* or *Azfâr*."[2]

هِشَامٍ، عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تُحِدُّ امْرَأَةٌ عَلَىٰ مَيِّتٍ فَوْقَ ثَلَاثٍ، إِلَّا عَلَىٰ زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَلَا تَلْبَسُ ثَوْبًا مَصْبُوغًا إِلَّا ثَوْبَ عَصْبٍ، وَلَا تَكْتَحِلُ، وَلَا تَمَسُّ طِيبًا، إِلَّا - إِذَا طَهُرَتْ - نُبْذَةً مِنْ قُسْطٍ أَوْ أَظْفَارٍ».

[راجع: ٢١٦٦، ٢١٦٧]

**[3741]** **(...)** It was narrated from Hishâm with this chain (a *Ḥadîth* similar to no. 3740), and he said: "...As soon as her menses end, a little of *Qusṭ* or *Azfâr*."

**[٣٧٤١]** **(. . .) وحَدَّثَنا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللهِ بْنُ نُمَيْرٍ؛ وَحَدَّثَنَا عَمْرٌو النَّاقِدُ: حَدَّثَنَا يَزِيدُ بْنُ هٰرُونَ، كِلَاهُمَا عَنْ هِشَامٍ بِهٰذَا الْإِسْنَادِ وَقَالَا: «عِنْدَ أَدْنَىٰ طُهْرِهَا: نُبْذَةً مِنْ قُسْطٍ وَأَظْفَارٍ».

**[3742] 67 - (...)** It was narrated that Umm 'Aṭiyyah said: "We were forbidden to mourn for more than three days for anyone who dies, except for a husband, four months and ten days, when we were not to put on kohl or perfume, or wear dyed garments. But a concession was granted to a woman when she purifies herself - when one of us washed herself (*Ghusl*) following menses - to use a little *Qusṭ* or *Azfâr*."

**[٣٧٤٢] ٦٧-(. . .) وحَدَّثَني** أَبُو الرَّبِيعِ الزَّهْرَانِيُّ: حَدَّثَنَا حَمَّادٌ: حَدَّثَنَا أَيُّوبُ عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ: كُنَّا نُنْهَىٰ أَنْ نُحِدَّ عَلَىٰ مَيِّتٍ فَوْقَ ثَلَاثٍ، إِلَّا عَلَىٰ زَوْجٍ، أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَلَا نَكْتَحِلُ، وَلَا نَتَطَيَّبُ، وَلَا نَلْبَسُ ثَوْبًا مَصْبُوغًا، وَقَدْ رُخِّصَ لِلْمَرْأَةِ فِي طُهْرِهَا - إِذَا اغْتَسَلَتْ إِحْدَانَا مِنْ مَحِيضِهَا - فِي نُبْذَةٍ مِنْ قُسْطٍ وَأَظْفَارٍ.

[1] A Yemenî *Burd* woven from a type of yarn, some of whose strands are dyed.

[2] Two types of incense.

## 19. The Book Of *Li'ân*

## ٤ - (المعجم ١٩) - كتاب اللعان (التحفة ١٠)

**[3743] 1 - (1492)** Sahl bin Sa'd As-Sâ'idî' narrated that 'Uwaimir Al-'Ajlânî came to 'Âṣim bin 'Adiyy Al-Anṣârî and said to him: "O 'Âsim, what do you think, if a man finds a man with his wife, should he kill him and be killed by them in return? Or what should he do? O 'Âsim, ask the Messenger of Allâh ﷺ about that for me." So 'Âsim asked the Messenger of Allâh ﷺ. The Messenger of Allâh ﷺ did not like this question, and he criticized it so much that 'Âsim felt very upset by what he heard from the Messenger of Allâh ﷺ. When 'Âsim went back to his family, 'Uwaimir came to him and said: "O 'Âsim, what did the Messenger of Allâh ﷺ say to you?" 'Âsim said to 'Uwaimir: "You did not bring me any good. The Messenger of Allâh ﷺ did not like the question that I asked him." 'Uwaimir said: "By Allâh, I will not rest until I ask him about it." So 'Uwaimir went to the Messenger of Allâh ﷺ who was amidst the people, and he said: "O Messenger of Allâh, what do you think, if a man finds another man with his wife, should he kill

**[٣٧٤٣] ١-(١٤٩٢)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شِهَابٍ: أَنَّ سَهْلَ بْنَ سَعْدٍ السَّاعِدِيَّ أَخْبَرَهُ؛ أَنَّ عُوَيْمِرًا الْعَجْلَانِيَّ جَاءَ إِلَىٰ عَاصِمِ بْنِ عَدِيٍّ الْأَنْصَارِيِّ فَقَالَ لَهُ: أَرَأَيْتَ يَا عَاصِمُ! لَوْ أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا، أَيَقْتُلُهُ فَتَقْتُلُونَهُ؟ أَمْ كَيْفَ يَفْعَلُ؟ فَاسْئَلْ لِي عَنْ ذَلِكَ - يَا عَاصِمُ! رَسُولَ اللهِ ﷺ فَسَأَلَ عَاصِمٌ رَسُولَ اللهِ ﷺ، فَكَرِهَ رَسُولُ اللهِ ﷺ الْمَسَائِلَ وَعَابَهَا، حَتَّىٰ كَبُرَ عَلَىٰ عَاصِمٍ مَا سَمِعَ مِنْ رَسُولِ اللهِ ﷺ، فَلَمَّا رَجَعَ عَاصِمٌ إِلَىٰ أَهْلِهِ جَاءَهُ عُوَيْمِرٌ فَقَالَ: يَا عَاصِمُ! مَاذَا قَالَ لَكَ رَسُولُ اللهِ ﷺ؟ قَالَ عَاصِمٌ لِعُوَيْمِرٍ: لَمْ تَأْتِنِي بِخَيْرٍ، قَدْ كَرِهَ رَسُولُ اللهِ ﷺ الْمَسْأَلَةَ الَّتِي سَأَلْتُهُ عَنْهَا. قَالَ عُوَيْمِرٌ: وَاللهِ! لَا أَنْتَهِي حَتَّىٰ أَسْأَلَهُ عَنْهَا، فَأَقْبَلَ عُوَيْمِرٌ حَتَّىٰ أَتَى رَسُولَ اللهِ ﷺ وَسْطَ النَّاسِ، فَقَالَ: يَا رَسُولَ اللهِ! أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا،

him and be killed by them in return? Or what should he do?" The Messenger of Allâh ﷺ said: "(Verses) have been revealed concerning you and your wife, so go and bring her."

أَيَقْتُلُهُ فَتَقْتُلُونَهُ؟ أَمْ كَيْفَ يَفْعَلُ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «قَدْ نَزَلَ فِيكَ وَفِي صَاحِبَتِكَ، فَاذْهَبْ فَأْتِ بِهَا».

Sahl said: "They engaged in *Li'ân*, and I was among the people who were with the Messenger of Allâh ﷺ. When they had finished, 'Uwaimir said: 'O Messenger of Allâh, I would be a liar if I kept her now.' So he divorced her three times before the Messenger of Allâh ﷺ could tell him to do anything."

قَالَ سَهْلٌ: فَتَلَاعَنَا، وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللهِ ﷺ، فَلَمَّا فَرَغَا قَالَ عُوَيْمِرٌ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللهِ! إِنْ أَمْسَكْتُهَا، فَطَلَّقَهَا ثَلَاثًا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللهِ ﷺ.

Ibn Shihâb said: "Then that became the practice of those who engage in *Li'ân*."

قَالَ ابْنُ شِهَابٍ: فَكَانَتْ [تِلْكَ] سُنَّةَ الْمُتَلَاعِنَيْنِ.

**[3744] 2 - (...)** Sahl bin Sa'd Al-Anṣârî narrated that 'Uwaimir Al-Anṣârî, one of Banû Al-'Ajlân, came to 'Âsim bin 'Adiyy... and he quoted a *Ḥadîth* like that of Mâlik (no. 3743). And he added into the *Ḥadîth*: "...His leaving her after that became the practice of those who engage in *Li'ân*." And he added: "Sahl said: 'She was pregnant, so her son was named after her, then it became the practice that he could inherit from her and she could inherit from him the shares decreed by Allâh.'"

**[٣٧٤٤] ٢-(...) وحَدَّثني** حَرْمَلَةُ ابْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي سَهْلُ بْنُ سَعْدٍ [الْأَنْصَارِيُّ]؛ أَنَّ عُوَيْمِرًا الْأَنْصَارِيَّ مِنْ بَنِي الْعَجْلَانِ، أَتَىٰ عَاصِمَ بْنَ عَدِيٍّ، وَسَاقَ الْحَدِيثَ بِمِثْلِ حَدِيثِ مَالِكٍ، وَأَدْرَجَ فِي الْحَدِيثِ قَوْلَهُ: وَكَانَ فِرَاقُهُ إِيَّاهَا - بَعْدُ - سُنَّةً فِي الْمُتَلَاعِنَيْنِ. وَزَادَ فِيهِ: قَالَ سَهْلٌ: وَكَانَتْ حَامِلًا، فَكَانَ ابْنُهَا يُدْعَىٰ إِلَىٰ أُمِّهِ، ثُمَّ جَرَتِ السُّنَّةُ أَنَّهُ يَرِثُهَا وَتَرِثُ مِنْهُ مَا فَرَضَ اللهُ لَهَا.

**[3745] 3 - (...)** Ibn Juraij narrated: "Ibn Shihâb told me about the two who engage in

**[٣٧٤٥] ٣-(...) وحَدَّثَنَا** مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا

*Li'ân* and what is done in this case, based on the *Hadîth* of Sahl bin Sa'd, the brother of Banû Sâ'idah, according to which a man from among the *Ansâr* came to the Prophet ﷺ and said: 'O Messenger of Allâh, what do you think of a man who finds another man with his wife?...'" and he mentioned the same *Hadîth* (no. 3743), and added: "So they engaged in *Li'ân* in the *Masjid* and I was present." And he said in the *Hadîth*: "Then he divorced her three times before the Messenger of Allâh ﷺ could tell him to, and he divorced her in front of the Prophet ﷺ. The Prophet ﷺ said: 'Every couple who engage in *Li'ân* are to be separated.'"

ابْنُ جُرَيْجٍ: أَخْبَرَنِي ابْنُ شِهَابٍ، عَنِ الْمُتَلَاعِنَيْنِ وَعَنِ السُّنَّةِ فِيهِمَا، عَنْ حَدِيثِ سَهْلِ بْنِ سَعْدٍ أَخِي بَنِي سَاعِدَةَ أَنَّ رَجُلًا مِنَ الْأَنْصَارِ جَاءَ إِلَىٰ النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا؟ وَذَكَرَ الْحَدِيثَ بِقِصَّتِهِ، وَزَادَ فِيهِ: فَتَلَاعَنَا فِي الْمَسْجِدِ وَأَنَا شَاهِدٌ، وَقَالَ فِي الْحَدِيثِ: فَطَلَّقَهَا ثَلَاثًا قَبْلَ أَنْ يَأْمُرَهُ رَسُولُ اللهِ ﷺ، فَفَارَقَهَا عِنْدَ النَّبِيِّ ﷺ، فَقَالَ النَّبِيُّ ﷺ: «ذَاكُمُ التَّفْرِيقُ بَيْنَ كُلِّ مُتَلَاعِنَيْنِ».

**[3746] 4 - (1493)** It was narrated that Sa'eed bin Jubair said: "I was asked about the couple who engage in *Li'ân*, during the governorship of Mus'ab - should they be separated?" He said: "I did not know what to say, so I went to the house of Ibn 'Umar in Makkah and I said to the slave: 'Ask for permission for me to enter.' He said: 'He is taking a nap.' But he heard my voice and said: 'Ibn Jubair?' I said: 'Yes.' He said: 'Come in, for by Allâh it can only be some need that has brought you at this hour.' So I went in, and saw him resting on a blanket, reclining on a pillow that

**[٣٧٤٦] ٤-(١٤٩٣)** وَحَدَّثَنَا مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا عَبْدُ اللهِ ابْنُ نُمَيْرٍ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ أَبِي سُلَيْمَانَ عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: سُئِلْتُ عَنِ الْمُتَلَاعِنَيْنِ فِي إِمْرَةِ مُصْعَبٍ، أَيُفَرَّقُ بَيْنَهُمَا؟ قَالَ: فَمَا دَرَيْتُ مَا أَقُولُ: فَمَضَيْتُ إِلَىٰ مَنْزِلِ ابْنِ عُمَرَ بِمَكَّةَ، فَقُلْتُ لِلْغُلَامِ: اسْتَأْذِنْ لِي، قَالَ: إِنَّهُ قَائِلٌ، فَسَمِعَ صَوْتِي، قَالَ: ابْنُ جُبَيْرٍ؟ قُلْتُ: نَعَمْ، قَالَ: ادْخُلْ، فَوَاللهِ! مَا جَاءَ بِكَ، هٰذِهِ السَّاعَةَ، إِلَّا حَاجَةٌ،

was stuffed with palm fibers. I said: 'Abû 'Abdur-Raḥmân, should a couple who engage in *Li'ân* be separated?' He said: '*Subḥân-Allâh*, yes. The first one to ask about this was so-and-so the son of so-and-so. He said: "O Messenger of Allâh, what do you think, if one of us finds his wife committing an immoral action, what should he do? If he speaks, he will be speaking of a serious matter, and if he keeps quiet, he will be keeping quiet about an equally serious matter." The Prophet ﷺ remained silent and did not answer him. Then he came to him after that, and said: "I have been afflicted with what I asked you about." Then Allâh revealed these verses in *Sûrat An-Nûr*: "And for those who accuse their wives...".[1] He (ﷺ) recited them to him, and exhorted and admonished him, and told him that the punishment in this world was lighter than the punishment in the Hereafter. He said: "No, by the One Who sent you with the truth, I am not lying about her." Then he (ﷺ) called her and exhorted and admonished her, and told her that the punishment in this world was lighter than the punishment in the Hereafter. She said: "No, by the One Who sent you with the truth, he is lying." He told the

فَدَخَلْتُ، فَإِذَا هُوَ مُفْتَرِشٌ بَرْذَعَةً، مُتَوَسِّدٌ وِسَادَةً حَشْوُهَا لِيفٌ. قُلْتُ: أَبَا عَبْدِ الرَّحْمٰنِ! الْمُتَلَاعِنَانِ، أَيُفَرَّقُ بَيْنَهُمَا؟ قَالَ: سُبْحَانَ اللهِ! نَعَمْ، إِنَّ أَوَّلَ مَنْ سَأَلَ عَنْ ذَلِكَ فُلَانُ بْنُ فُلَانٍ، قَالَ: يَا رَسُولَ اللهِ! أَرَأَيْتَ أَنْ لَوْ وَجَدَ أَحَدُنَا امْرَأَتَهُ عَلَىٰ فَاحِشَةٍ، كَيْفَ يَصْنَعُ؟ إِنْ تَكَلَّمَ تَكَلَّمَ بِأَمْرٍ عَظِيمٍ، وَإِنْ سَكَتَ سَكَتَ عَنْ مِثْلِ ذَلِكَ، قَالَ: فَسَكَتَ النَّبِيُّ ﷺ فَلَمْ يُجِبْهُ، فَلَمَّا كَانَ بَعْدَ ذَلِكَ أَتَاهُ فَقَالَ: إِنَّ الَّذِي سَأَلْتُكَ عَنْهُ قَدِ ابْتُلِيتُ بِهِ، فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ هَٰؤُلَاءِ الْآيَاتِ فِي سُورَةِ النُّورِ: ﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ﴾ [النور: ٦-٩] فَتَلَاهُنَّ عَلَيْهِ وَوَعَظَهُ وَذَكَّرَهُ، وَأَخْبَرَهُ أَنَّ عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ عَذَابِ الْآخِرَةِ، قَالَ: لَا، وَالَّذِي بَعَثَكَ بِالْحَقِّ! مَا كَذَبْتُ عَلَيْهَا. ثُمَّ دَعَاهَا فَوَعَظَهَا وَذَكَّرَهَا وَأَخْبَرَهَا أَنَّ عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ عَذَابِ الْآخِرَةِ، قَالَتْ: لَا، وَالَّذِي بَعَثَكَ بِالْحَقِّ إِنَّهُ لَكَاذِبٌ. فَبَدَأَ بِالرَّجُلِ فَشَهِدَ أَرْبَعَ شَهَادَاتٍ بِاللهِ إِنَّهُ لَمِنَ الصَّادِقِينَ، وَالْخَامِسَةُ أَنَّ لَعْنَةَ اللهِ عَلَيْهِ إِنْ كَانَ مِنَ

[1] *An-Nûr* 24:6-9.

man to start (the process of *Li'ân*). So he testified four times, by Allâh, that he was telling the truth, and the fifth time that the curse of Allâh would be upon him if he was lying. Then he (ﷺ) told the woman to testify. She testified four times by Allâh that he was lying, and the fifth time that the wrath of Allâh would be upon her if he was telling the truth. Then he separated them.'"

الْكَاذِبِينَ، ثُمَّ ثَنَّىٰ بِالْمَرْأَةِ فَشَهِدَتْ أَرْبَعَ شَهَادَاتٍ بِاللهِ إِنَّهُ لَمِنَ الْكَاذِبِينَ، وَالْخَامِسَةُ أَنَّ غَضَبَ اللهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ، ثُمَّ فَرَّقَ بَيْنَهُمَا.

**[3747] (...)** Sa'eed bin Jubair said: "At the time of Muṣ'ab bin Az-Zubair, I was asked about the two who engaged in *Li'ân*, and I did not know what to say, so I went to 'Abdullâh bin 'Umar and I said: 'Do you think that two who engage in *Li'ân* should be separated?...'" then he mentioned a *Hadîth* like that of Ibn Numair (no. 3746).

**[٣٧٤٧] (...) وَحَدَّثَنِيهِ** عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ أَبِي سُلَيْمَانَ قَالَ: سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ قَالَ: سُئِلْتُ عَنِ الْمُتَلَاعِنَيْنِ، زَمَنَ مُصْعَبِ بْنِ الزُّبَيْرِ، فَلَمْ أَدْرِمَا أَقُولُ: فَأَتَيْتُ عَبْدَ اللهِ بْنَ عُمَرَ، فَقُلْتُ: أَرَأَيْتَ الْمُتَلَاعِنَيْنِ أَيُفَرَّقُ بَيْنَهُمَا؟ ثُمَّ ذَكَرَ بِمِثْلِ حَدِيثِ ابْنِ نُمَيْرٍ.

**[3748] 5 - (...)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said to the two who engaged in *Li'ân*: 'Your reckoning is with Allâh; one of you is lying. You have no rights over her.' He said: 'O Messenger of Allâh, my property (which I gave her)?' He said: 'You have no right to it. If you are telling the truth about her, it is in return for having been intimate with her, and if you are lying about her, they you have

**[٣٧٤٨] ٥-(...) وَحدَّثنا** يَحْيَى بْنُ يَحْيَىٰ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ- وَاللَّفْظُ لِيَحْيَىٰ، قَالَ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - سُفْيَانُ ابْنُ عُيَيْنَةَ عَنْ عَمْرٍو، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ لِلْمُتَلَاعِنَيْنِ: «حِسَابُكُمَا عَلَىٰ اللهِ. أَحَدُكُمَا كَاذِبٌ، لَا سَبِيلَ لَكَ عَلَيْهَا» قَالَ: يَا رَسُولَ اللهِ مَالِي؟ قَالَ:

even less right to it.'" Zuhair said in his report: "Sufyân bin 'Amr told us that he heard Sa'eed bin Jubair say: 'I heard Ibn 'Umar say: The Messenger of Allâh ﷺ said...'"

«لَا مَالَ لَكَ، إِنْ كُنْتَ صَدَقْتَ عَلَيْهَا فَهُوَ بِمَا اسْتَحْلَلْتَ مِنْ فَرْجِهَا، وَإِنْ كُنْتَ كَذَبْتَ عَلَيْهَا فَذَاكَ أَبْعَدُ لَكَ مِنْهَا» قَالَ زُهَيْرٌ فِي رِوَايَتِهِ: قَالَ حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو، سَمِعَ سَعِيدَ بْنَ جُبَيْرٍ يَقُولُ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ.

**[3749] 6 - (...)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ separated two members of Banû Al-'Ajlân and said: 'Allâh knows that one of you is lying; will either of you repent?'"

**[٣٧٤٩] ٦-(...) وحَدَّثَني** أَبُو الرَّبِيعِ الزَّهْرَانِيُّ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عُمَرَ قَالَ: فَرَّقَ رَسُولُ اللهِ ﷺ بَيْنَ أَخَوَيْ بَنِي الْعَجْلَانِ، وَقَالَ: «اللهُ يَعْلَمُ أَنَّ أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا تَائِبٌ؟».

**[3750] (...)** Sa'eed bin Jubair said: "I asked Ibn 'Umar about *Li'ân*," and he narrated a similar *Ḥadîth* (as no. 3749) from the Messenger of Allâh ﷺ.

**[٣٧٥٠] (...) حَدَّثَنَاه** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ أَيُّوبَ؛ سَمِعَ سَعِيدَ بْنَ جُبَيْرٍ قَالَ: سَأَلْتُ ابْنَ عُمَرَ عَنِ اللِّعَانِ؟ فَذَكَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

**[3751] 7 - (...)** It was narrated that Sa'eed bin Jubair said: "Muṣ'ab did not separate the two who engaged in *Li'ân*." Sa'eed said: "I mentioned that to 'Abdullâh bin 'Umar and he said: 'The Prophet of Allâh ﷺ separated the couple from Banû Al-'Ajlân.'"

**[٣٧٥١] ٧-(...) وحَدَّثَنَا** أَبُو غَسَّانَ الْمِسْمَعِيُّ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِلْمِسْمَعِيِّ وَابْنِ الْمُثَنَّىٰ - قَالُوا: حَدَّثَنَا مُعَاذٌ وَهُوَ ابْنُ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ عَزْرَةَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: لَمْ يُفَرِّقْ مُصْعَبٌ بَيْنَ الْمُتَلَاعِنَيْنِ، قَالَ سَعِيدٌ: فَذَكَرْتُ

ذٰلِكَ لِعَبْدِ اللهِ ابْنِ عُمَرَ، فَقَالَ: فَرَّقَ نَبِيُّ اللهِ ﷺ بَيْنَ أَخَوَيْ بَنِي الْعَجْلَانِ.

**[3752] 8 - (1494)** It was narrated from Ibn 'Umar that a man engaged in *Li'ân* with his wife at the time of the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ separated them and attributed the child to his mother.

[٣٧٥٢] ٨-(١٤٩٤) **وحَدَّثَنَا** سَعِيدُ ابْنُ مَنْصُورٍ وَقُتَيْبَةُ بْنُ سَعِيدٍ قَالَا: حَدَّثَنَا مَالِكٌ؛ وَحَدَّثَنِي يَحْيَى بْنُ يَحْيَىٰ - وَاللَّفْظُ لَهُ - قَالَ: قُلْتُ لِمَالِكٍ: حَدَّثَكَ نَافِعٌ عَنِ ابْنِ عُمَرَ؛ أَنَّ رَجُلًا لَاعَنَ امْرَأَتَهُ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ فَفَرَّقَ رَسُولُ اللهِ ﷺ بَيْنَهُمَا وَأَلْحَقَ الْوَلَدَ بِأُمِّهِ؟ قَالَ: نَعَمْ.

**[3753] 9 - (...)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ asked a man of the *Anṣâr* and his wife to engage in *Li'ân*, and he separated them."

[٣٧٥٣] ٩-(. . .) **وحَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو أُسَامَةَ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي قَالَا: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: لَاعَنَ رَسُولُ اللهِ ﷺ بَيْنَ رَجُلٍ مِنَ الْأَنْصَارِ وَامْرَأَتِهِ، وَفَرَّقَ بَيْنَهُمَا.

**[3754]... - (...)** It was narrated from 'Ubaidullâh with this chain (a Ḥadîth similar to no. 3753).

[٣٧٥٤] (. . .) **وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَعُبَيْدُ اللهِ بْنُ سَعِيدٍ قَالَا: حَدَّثَنَا يَحْيَىٰ وَهُوَ الْقَطَّانُ عَنْ عُبَيْدِ اللهِ بِهٰذَا الْإِسْنَادِ.

**[3755] 10 - (1495)** It was narrated that 'Abdullâh said: "We were in the *Masjid* on the night of Friday when a man from among the *Anṣâr* came and said: 'If a man finds another man with

[٣٧٥٥] ١٠-(١٤٩٥) **حَدَّثَنَا** زُهَيْرُ ابْنُ حَرْبٍ وَعُثْمَانُ بْنُ أَبِي شَيْبَةَ وَإِسْحَٰقُ ابْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِزُهَيْرٍ - قَالَ إِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا

his wife and speaks of it, you will flog him, and if he kills him you will kill him, but if he keeps quiet, he will be suppressing his rage. By Allâh, I am going to ask the Messenger of Allâh ﷺ about it.' The next day, he went to the Messenger of Allâh ﷺ and asked him, saying: 'If a man finds another man with his wife and speaks of it, you will flog him, and if he kills him you will kill him, but if he keeps quiet, he will be suppressing his rage.' The Messenger of Allâh ﷺ said: 'O Allâh, guide us to the ruling,' and he started to supplicate. Then the verse of *Li'ân* was revealed: "And for those who accuse their wives, but have no witnesses except themselves...".[1] Then that man was put to that test before the people. He and his wife came to the Messenger of Allâh ﷺ and engaged in *Li'ân*. The man testified four times by Allâh that he was telling the truth, then the fifth time he swore that the curse of Allâh would be upon him if he was lying. Then she started to testify, and the Prophet ﷺ said to her: 'Stop.' But she insisted and carried on engaging in *Li'ân*. When they left, he said: 'Perhaps she will give birth to a curly-haired black child.' And she did give birth to a curly-haired black child."

- جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللهِ قَالَ: إِنَّا لِلَيْلَةِ جُمُعَةٍ فِي الْمَسْجِدِ، إِذْ جَاءَ رَجُلٌ مِنَ الْأَنْصَارِ فَقَالَ: لَوْ أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَتَكَلَّمَ جَلَدْتُمُوهُ، أَوْ قَتَلَ قَتَلْتُمُوهُ، وَإِنْ سَكَتَ سَكَتَ عَلَىٰ غَيْظٍ، وَاللهِ! لَأَسْأَلَنَّ عَنْهُ رَسُولَ اللهِ ﷺ، فَلَمَّا كَانَ مِنَ الْغَدِ أَتَىٰ رَسُولَ اللهِ ﷺ فَسَأَلَهُ فَقَالَ: لَوْ أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَتَكَلَّمَ جَلَدْتُمُوهُ، أَوْ قَتَلَ قَتَلْتُمُوهُ، أَوْ سَكَتَ سَكَتَ عَلَىٰ غَيْظٍ. فَقَالَ: «اللَّهُمَّ! افْتَحْ» وَجَعَلَ يَدْعُو، فَنَزَلَتْ آيَةُ اللِّعَانِ: ﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُن لَّهُمْ شُهَدَاءُ إِلَّا أَنفُسُهُمْ﴾، هَٰذِهِ الْآيَاتُ [النور:٦-٩]، فَابْتُلِيَ بِهِ ذَٰلِكَ الرَّجُلُ مِنْ بَيْنِ النَّاسِ، فَجَاءَ هُوَ وَامْرَأَتُهُ إِلَىٰ رَسُولِ اللهِ ﷺ فَتَلَاعَنَا، فَشَهِدَ الرَّجُلُ أَرْبَعَ شَهَادَاتٍ بِاللهِ إِنَّهُ لَمِنَ الصَّادِقِينَ، ثُمَّ لَعَنَ الْخَامِسَةَ أَنَّ لَعْنَةَ اللهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ، فَذَهَبَتْ لِتَلْعَنَ، فَقَالَ لَهَا النَّبِيُّ ﷺ: «مَهْ» فَأَبَتْ فَلَعَنَتْ، فَلَمَّا أَدْبَرَا قَالَ: «لَعَلَّهَا أَنْ تَجِيءَ بِهِ أَسْوَدَ جَعْدًا» فَجَاءَتْ بِهِ أَسْوَدَ جَعْدًا.

[1] *An-Nur* 24:6-7.

**[3756]** (...) A similar report (as no. 3755) was narrated from Al-A'mash with this chain.

[٣٧٥٦] (...) وحَدَّثَنَاه إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ ابْنُ سُلَيْمَانَ، جَمِيعًا عَنِ الْأَعْمَشِ، بِهَٰذَا الْإِسْنَادِ نَحْوَهُ.

**[3757] 11 - (1496)** It was narrated that Muhammad said: "I asked Anas bin Mâlik (about *Li'ân*) as I saw that he had knowledge of it. He said: 'Hilâl bin Umayyah accused his wife (of committing *Zinâ*) with Sharîk bin Sahmâ', who was the brother of Al-Barâ' bin Mâlik on his mother's side. He was the first man to engage in *Li'ân* in Islam.' He said: 'He engaged in *Li'ân* with her and the Messenger of Allâh ﷺ said: "Watch her. If she brings forth a child who is white with straight hair and something wrong with his eyes, then he belongs to Hilâl bin Umayyah, and if she gives birth to a child who has dark eyelids, curly hair and lean calves, then he belongs to Sharîk bin Sahmâ'."' He said: 'I was told that she gave birth to a child who had dark eyelids, curly hair and lean calves.'"

[٣٧٥٧] ١١-(١٤٩٦) وحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ: حَدَّثَنَا هِشَامٌ عَنْ مُحَمَّدٍ قَالَ: سَأَلْتُ أَنَسَ ابْنَ مَالِكٍ - وَأَنَا أُرَىٰ أَنَّ عِنْدَهُ مِنْهُ عِلْمًا - فَقَالَ: إِنَّ هِلَالَ بْنَ أُمَيَّةَ قَذَفَ امْرَأَتَهُ بِشَرِيكِ بْنِ سَحْمَاءَ، وَكَانَ أَخَا الْبَرَاءِ بْنِ مَالِكٍ لِأُمِّهِ، وَكَانَ أَوَّلَ رَجُلٍ لَاعَنَ فِي الْإِسْلَامِ، قَالَ: فَلَاعَنَهَا، فَقَالَ رَسُولُ اللهِ ﷺ: «أَبْصِرُوهَا، فَإِنْ جَاءَتْ بِهِ أَبْيَضَ سَبِطًا قَضِيءَ الْعَيْنَيْنِ فَهُوَ لِهِلَالِ بْنِ أُمَيَّةَ، وَإِنْ جَاءَتْ بِهِ أَكْحَلَ جَعْدًا حَمْشَ السَّاقَيْنِ فَهُوَ لِشَرِيكِ بْنِ سَحْمَاءَ» قَالَ: فَأُنْبِئْتُ أَنَّهَا جَاءَتْ بِهِ أَكْحَلَ جَعْدًا حَمْشَ السَّاقَيْنِ.

**[3758] 12 - (1497)** It was narrated that Ibn 'Abbâs said: "Mention of *Li'ân* was made in the presence of the Messenger of Allâh ﷺ. 'Âsim bin 'Adiyy said something about that, then he

[٣٧٥٨] ١٢-(١٤٩٧) وحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحِ بْنِ الْمُهَاجِرِ وَعِيسَى بْنُ حَمَّادٍ الْمِصْرِيَّانِ - وَاللَّفْظُ لِابْنِ رُمْحٍ - قَالَا: أَخْبَرَنَا اللَّيْثُ عَنْ يَحْيَى بْنِ سَعِيدٍ،

left. A man from among his people came to him and complained that he had found a man with his wife. 'Âsim said: 'I am being tested with what I said.' He took him to the Messenger of Allâh ﷺ and told him what he had found his wife doing. That man was sallow and lean, with straight hair, and the one whom he claimed to have found with his wife had fleshy calves and was dark and bulky. The Messenger of Allâh ﷺ said: 'O Allâh, make it clear.' Then she gave birth to a child who resembled the one who her husband said he found with her. The Messenger of Allâh ﷺ made them engage in *Li'ân*." A man said to Ibn 'Abbâs in that gathering: "Was she the one about whom the Messenger of Allâh ﷺ said: 'If I were to have stoned anyone without evidence, I would have stoned this woman?' Ibn 'Abbâs said: 'No, that was a woman who continued to be a bad woman after becoming Muslim.'"

عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ الْقَاسِمِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: ذُكِرَ التَّلَاعُنُ عِنْدَ رَسُولِ اللهِ ﷺ، فَقَالَ عَاصِمُ بْنُ عَدِيٍّ فِي ذٰلِكَ قَوْلًا، ثُمَّ انْصَرَفَ، فَأَتَاهُ رَجُلٌ مِنْ قَوْمِهِ يَشْكُو إِلَيْهِ أَنَّهُ وَجَدَ مَعَ أَهْلِهِ رَجُلًا، فَقَالَ عَاصِمٌ: مَا ابْتُلِيتُ بِهٰذَا إِلَّا لِقَوْلِي، فَذَهَبَ بِهِ إِلَىٰ رَسُولِ اللهِ ﷺ فَأَخْبَرَهُ بِالَّذِي وَجَدَ عَلَيْهِ امْرَأَتَهُ، وَكَانَ ذٰلِكَ الرَّجُلُ مُصْفَرًّا، قَلِيلَ اللَّحْمِ، سَبِطَ الشَّعْرِ، وَكَانَ الَّذِي ادَّعَىٰ إِلَيْهِ أَنَّهُ وَجَدَ عِنْدَ أَهْلِهِ، خَدْلًا، آدَمَ، كَثِيرَ اللَّحْمِ. فَقَالَ رَسُولُ اللهِ ﷺ: «اللّٰهُمَّ! بَيِّنْ» فَوَضَعَتْ شَبِيهًا بِالرَّجُلِ الَّذِي ذَكَرَ زَوْجُهَا أَنَّهُ وَجَدَهُ عِنْدَهَا، فَلَاعَنَ رَسُولُ اللهِ ﷺ بَيْنَهُمَا، فَقَالَ رَجُلٌ لِابْنِ عَبَّاسٍ فِي الْمَجْلِسِ: أَهِيَ الَّتِي قَالَ رَسُولُ اللهِ ﷺ: «لَوْ رَجَمْتُ أَحَدًا بِغَيْرِ بَيِّنَةٍ رَجَمْتُ هٰذِهِ؟» فَقَالَ ابْنُ عَبَّاسٍ: لَا، تِلْكَ امْرَأَةٌ كَانَتْ تُظْهِرُ فِي الْإِسْلَامِ السُّوءَ.

**[3759]** **(...)** It was narrated that Ibn 'Abbâs said: "Mention of the two who engage in *Li'ân* was made in the presence of the Messenger of Allâh ﷺ..." a *Hadîth* like that of Al-Laith (no. 3758), and he added, after saying bulky, "with very curly hair."

**[٣٧٥٩]** **(...)** **وَحَدَّثَنِيهِ** أَحْمَدُ بْنُ يُوسُفَ الْأَزْدِيُّ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ أَبِي أُوَيْسٍ: حَدَّثَنِي سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ عَنْ يَحْيَىٰ، حَدَّثَنِي عَبْدُ الرَّحْمَٰنِ بْنُ الْقَاسِمِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنِ ابْنِ

عَبَّاسٍ أَنَّهُ قَالَ: ذُكِرَ الْمُتَلَاعِنَانِ عَنْدَ رَسُولِ اللهِ ﷺ، بِمِثْلِ حَدِيثِ اللَّيْثِ، وَزَادَ [فِيهِ]، بَعْدَ قَوْلِهِ كَثِيرَ اللَّحْمِ - قَالَ -: جَعْدًا قَطَطًا.

**[3760] 13 - (...)** It was narrated that Al-Qâsim bin Muhammad said: "'Abdullâh bin Shaddâd said: 'Mention of the two who engage in *Li'ân* was made in the presence of Ibn 'Abbâs, and Ibn Shaddâd said: "Are they the two of whom the Prophet ﷺ said: 'If I were to stone anyone without proof, I would stone her?' Ibn 'Abbâs said: "No, that was a woman who was infamous for her immoral conduct."

[٣٧٦٠] **١٣-(...) وحَدَّثَنَا** عَمْرٌو النَّاقِدُ وابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لِعَمْرٍو - قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي الزِّنَادِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ قَالَ: قَالَ عَبْدُ اللهِ بْنُ شَدَّادٍ: وَذُكِرَ الْمُتَلَاعِنَانِ عِنْدَ ابْنِ عَبَّاسٍ، فَقَالَ ابْنُ شَدَّادٍ: أَهُمَا اللَّذَانِ قَالَ النَّبِيُّ ﷺ: «لَوْ كُنْتُ رَاجِمًا أَحَدًا بِغَيْرِ بَيِّنَةٍ لَرَجَمْتُهَا؟» فَقَالَ ابْنُ عَبَّاسٍ: لَا، تِلْكَ امْرَأَةٌ أَعْلَنَتْ. قَالَ ابْنُ أَبِي عُمَرَ فِي رِوَايَتِهِ عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ: قَالَ: سَمِعْتُ ابْنَ عَبَّاسٍ.

**[3761] 14 - (1498)** It was narrated from Abû Hurairah that Sa'd bin 'Ubâdah Al-Ansârî said: "O Messenger of Allâh, do you think that if a man finds another man with his wife, he should kill him?" The Messenger of Allâh ﷺ said, "No." Sa'd said: "(But) he would (do that), by the One Who honored you with the truth!" The Messenger of Allâh ﷺ said: "Listen (you people) to what your leader says."

[٣٧٦١] **١٤-(١٤٩٨) حَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي الدَّرَاوَرْدِيَّ، عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ سَعْدَ بْنَ عُبَادَةَ الْأَنْصَارِيَّ قَالَ: يَا رَسُولَ اللهِ! أَرَأَيْتَ الرَّجُلَ يَجِدُ مَعَ امْرَأَتِهِ رَجُلًا أَيَقْتُلُهُ؟ قَالَ رَسُولُ اللهِ ﷺ: «لَا» قَالَ سَعْدٌ: بَلَىٰ، وَالَّذِي أَكْرَمَكَ بِالْحَقِّ! فَقَالَ رَسُولُ اللهِ ﷺ: «اسْمَعُوا إِلَىٰ مَا يَقُولُ سَيِّدُكُمْ».

**[3762] 15 - (...)** It was narrated from Abû Hurairah that Sa'd bin 'Ubâdah said: "O Messenger of Allâh, if I find a man with my wife, should I let him be until I bring four witnesses?" He said: "Yes."

[٣٧٦٢] ١٥-(. . .) وحَدَّثَني زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا إِسْحٰقُ بْنُ عِيسَىٰ: حَدَّثَنَا مَالِكٌ عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ سَعْدَ بْنَ عُبَادَةَ قَالَ: يَا رَسُولَ اللهِ! إِنْ وَجَدْتُ مَعَ امْرَأَتِي رَجُلًا، [أَ]أُمْهِلُهُ حَتَّىٰ آتِيَ بِأَرْبَعَةِ شُهَدَاءَ؟ قَالَ «نَعَمْ».

**[3763] 16 - (...)** It was narrated that Abû Hurairah said: "Sa'd bin 'Ubâdah said: 'O Messenger of Allâh, if I find a man with my wife, should I not touch him until I bring four witnesses?' The Messenger of Allâh ﷺ said: 'Yes.' He said: 'No, by the One who sent you with the truth! I would hasten to him with my sword before that.' The Messenger of Allâh ﷺ said: 'Listen (you people) to what your leader says. He is jealous, but I am more jealous than him, and Allâh is more jealous than me.'"

[٣٧٦٣] ١٦-(. . .) حَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ عَنْ سُلَيْمَانَ بْنِ بِلَالٍ: حَدَّثَنِي سُهَيْلٌ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ سَعْدُ بْنُ عُبَادَةَ: يَا رَسُولَ اللهِ! لَوْ وَجَدْتُ مَعَ أَهْلِي رَجُلًا، لَم أَمَسَّهُ حَتَّىٰ آتِيَ بِأَرْبَعَةِ شُهَدَاءَ؟ قَالَ رَسُولُ اللهِ ﷺ: «نَعَمْ» قَالَ: كَلَّا، وَالَّذِي بَعَثَكَ بِالْحَقِّ! إِنْ كُنْتُ لَأُعَاجِلُهُ بِالسَّيْفِ قَبْلَ ذٰلِكَ، قَالَ رَسُولُ اللهِ ﷺ «اسْمَعُوا إِلَىٰ مَا يَقُولُ سَيِّدُكُمْ، إِنَّهُ لَغَيُورٌ، وَأَنَا أَغْيَرُ مِنْهُ، وَاللهُ أَغْيَرُ مِنِّي».

**[3764] 17 - (1499)** It was narrated that Al-Mughîrah bin Shu'bah said: "Sa'd bin 'Ubâdah said: 'If I saw a man with my wife, I would strike him with my sword, and not with the flat side of it.' News of that reached the Messenger of Allâh ﷺ and he

[٣٧٦٤] ١٧-(١٤٩٩) حَدَّثَنِي عُبَيْدُ اللهِ بْنُ عُمَرَ الْقَوَارِيرِيُّ وَأَبُو كَامِلٍ فُضَيْلُ ابْنُ حُسَيْنٍ الْجَحْدَرِيُّ - وَاللَّفْظُ لِأَبِي كَامِلٍ - قَالَا: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ وَرَّادٍ -

said: 'Are you surprised at the jealousy of Sa'd? By Allâh, I am more jealous than him, and Allâh is more jealous than me. It is because of His jealousy that Allâh forbade immoral deeds, both open and secret. There is no person who is more jealous than Allâh, and there is no person to whom warnings are more beloved than Allâh. Because of that, Allâh sent the Messengers as bearers of glad tidings and warnings. There is no person to whom praise is more beloved than Allâh. Because of that Allâh made the promise of Paradise.'"

كَاتِبِ الْمُغِيرَةِ - عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ قَالَ: قَالَ سَعْدُ بْنُ عُبَادَةَ: لَوْ رَأَيْتُ رَجُلًا مَعَ امْرَأَتِي لَضَرَبْتُهُ بِالسَّيْفِ غَيْرُ مُصْفَحٍ عَنْهُ، فَبَلَغَ ذٰلِكَ رَسُولَ اللهِ ﷺ. فَقَالَ: «أَتَعْجَبُونَ مِنْ غَيْرَةِ سَعْدٍ؟ فَوَاللهِ! لَأَنَا أَغْيَرُ مِنْهُ، وَاللهُ أَغْيَرُ مِنِّي، مِنْ أَجْلِ غَيْرَةِ اللهِ حَرَّمَ الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ، وَلَا شَخْصَ أَغْيَرُ مِنَ اللهِ، وَلَا شَخْصَ أَحَبُّ إِلَيْهِ الْعُذْرُ مِنَ اللهِ؛ مِنْ أَجْلِ ذٰلِكَ بَعَثَ اللهُ الْمُرْسَلِينَ مُبَشِّرِينَ وَمُنْذِرِينَ، وَلَا شَخْصَ أَحَبُّ إِلَيْهِ الْمِدْحَةُ مِنَ اللهِ، مِنْ أَجْلِ ذٰلِكَ وَعَدَ اللهُ الْجَنَّةَ».

**[3765] (...)** A similar report (as no. 3764) was narrated from 'Abdul-Malik bin 'Umair with this chain.

**[٣٧٦٥] (. . .) وحَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ عَنْ زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، بِهٰذَا الْإِسْنَادِ مِثْلَهُ، وَقَالَ: غَيْرَ مُصْفِحٍ، وَلَمْ يَقُلْ عَنْهُ.

**[3766] 18 - (1500)** It was narrated that Abû Hurairah said: "A man from Banû Fazârah came to the Prophet ﷺ and said: 'My wife has given birth to a black boy.' The Prophet ﷺ said: 'Do you have camels?' He said: 'Yes.' He said: 'What are their colors?' He said: 'Red.' He said: 'Are there any dusky ones among

**[٣٧٦٦] ١٨-(١٥٠٠) وحَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَزُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لِقُتَيْبَةَ - قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ مِنْ بَنِي فَزَارَةَ

them?' He said: 'There are dusky ones among them.' He said: 'Where does that come from?' He said: 'Perhaps it is an inherited trait.' He said: 'And perhaps this is an inherited trait.'"

إِلَىٰ النَّبِيِّ ﷺ فَقَالَ: إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا أَسْوَدَ، فَقَالَ النَّبِيُّ ﷺ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: «نَعَمْ»، قَالَ: «فَمَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا مِنْ أَوْرَقَ؟» قَالَ: إِنَّ فِيهَا لَوُرْقًا. قَالَ: «فَأَنَّىٰ أَتَاهَا ذَاكَ؟» قَالَ: عَسَى أَنْ يَكُونَ نَزَعَهُ عِرْقٌ، قَالَ: «وَهٰذَا عَسَىٰ أَنْ يَكُونَ نَزَعَهُ عِرْقٌ».

**[3767] 19 - (...)** A *Hadîth* similar to that of Ibn 'Uyaynah (no. 3766) was narrated from Az-Zuhrî with this chain, except that according to the *Hadîth* of Ma'mar he said: "O Messenger of Allâh, my wife has given birth to a black boy," as if hinting that it was not his. And at the end of the *Hadîth* he said: "And he did not allow him to deny the child."

[٣٧٦٧] **١٩**-(...) **وحَدَّثَنَا** إِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ - قَالَ ابْنُ رَافِعٍ: حَدَّثَنَا، وَقَالَ الْآخَرَانِ: أَخْبَرَنَا - عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ؛ وَحَدَّثَنَا ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا ابْنُ أَبِي ذِئْبٍ، جَمِيعًا عَنِ الزُّهْرِيِّ بِهٰذَا الْإِسْنَادِ نَحْوَ حَدِيثِ ابْنِ عُيَيْنَةَ، غَيْرَ أَنَّ فِي حَدِيثِ مَعْمَرٍ فَقَالَ: يَا رَسُولَ اللهِ! وَلَدَتِ امْرَأَتِي غُلَامًا أَسْوَدَ، وَهُوَ حِينَئِذٍ يُعَرِّضُ بِأَنْ يَنْفِيَهُ، وَزَادَ فِي آخِرِ الْحَدِيثِ - قَالَ -: وَلَمْ يُرَخِّصْ لَهُ فِي الِانْتِفَاءِ مِنْهُ.

**[3768] 20 - (...)** It was narrated from Abû Hurairah that a Bedouin came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, my wife has given birth to a black boy, and I am shocked and am not

[٣٧٦٨] **٢٠**-(...) **وحَدَّثَنِي** أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ - وَاللَّفْظُ لِحَرْمَلَةَ - قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي

sure (if he is mine)." The Prophet ﷺ said to him: "Do you have camels?" He said: "Yes." He said: "What are their colors?" He said: "Red." He said: "Are there any dusky ones among them?" He said: "Yes." The Messenger of Allâh ﷺ said: "How is that?" He said: "Perhaps, O Messenger of Allâh, that it is an inherited trait." The Messenger of Allâh ﷺ said: "Perhaps this is also an inherited trait."

سَلَمَةَ بْنِ عَبْدِ الرَّحْمَـٰنِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ أَعْرَابِيًّا أَتَىٰ رَسُولَ اللهِ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا أَسْوَدَ، وَإِنِّي أَنْكَرْتُهُ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ. قَالَ: «مَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا مِنْ أَوْرَقَ؟» قَالَ: نَعَمْ. قَالَ رَسُولُ اللهِ ﷺ: «فَأَنَّىٰ هُوَ؟» قَالَ: لَعَلَّهُ، يَا رَسُولَ اللهِ! يَكُونُ نَزَعَهُ عِرْقٌ لَهُ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «وَهٰذَا لَعَلَّهُ أَنْ يَكُونَ نَزَعَهُ عِرْقٌ لَهُ».

**[3769] (...)** It was narrated that Abû Hurairah narrated a similar report (as no. 3766) from the Messenger of Allâh ﷺ.

**[٣٧٦٩] (...) وحَدَّثَني** مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا حُجَيْنٌ: حَدَّثَنَا اللَّيْثُ عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ أَنَّهُ قَالَ: بَلَغَنَا أَنَّ أَبَا هُرَيْرَةَ كَانَ يُحَدِّثُ عَنْ رَسُولِ اللهِ ﷺ بِنَحْوِ حَدِيثِهِمْ.

# 20. The Book Of Manumission

# ٥ - (المعجم ٢٠) - كتاب العتــق (التحفة ١١)

## Chapter: One Who Frees His Share Of A Slave

## (المعجم . . .) - (باب: من أعتق شركا له في عبد) (التحفة ١)

**[3770] 1 - (1501)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'If a person frees his share of a slave, and has enough money to pay the full price of the slave, a fair price should be worked out for the slave, and his partners should be given their shares. Then he should free the slave, otherwise he has freed only what he has freed.'"

**[٣٧٧٠] ١-(١٥٠١) وَحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قُلْتُ لِمَالِكٍ: حَدَّثَكَ نَافِعٌ عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَعْتَقَ شِرْكًا لَهُ فِي عَبْدٍ، فَكَانَ لَهُ مَالٌ يَبْلُغُ ثَمَنَ الْعَبْدِ، قُوِّمَ عَلَيْهِ قِيمَةَ الْعَدْلِ، فَأُعْطِيَ شُرَكَاءُهُ حِصَصَهُمْ وَعَتَقَ عَلَيْهِ الْعَبْدُ، وَإِلَّا فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ». [انظر: ٤٣٢٥]

**[3771] (...)** A *Hadîth* similar to that of Mâlik from Nâfi' (no. 3770) was narrated from Nâfi' from Ibn 'Umar.

**[٣٧٧١] (. . .) وحَدَّثَنَاه** قُتَيْبَةُ بْنُ سَعِيدٍ ومُحَمَّدُ بْنُ رُمْحٍ، جَمِيعًا عَنِ اللَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ؛ وَحَدَّثَنَا أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ: حَدَّثَنَا أَيُّوبُ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ؛ وَحَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ

عَنِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي إِسْمَاعِيلُ ابْنُ أُمَيَّةَ؛ وَحَدَّثَنَا هَٰرُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي أُسَامَةُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ عَنِ ابْنِ أَبِي ذِئْبٍ، كُلُّ هَٰؤُلَاءِ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ بِمَعْنَىٰ حَدِيثِ مَالِكٍ عَنْ نَافِعٍ.

## Chapter 1. A Slave Working To Pay Off The Other Half

## (المعجم ١) - (بَابُ ذكر سعاية العبد) (التحفة ٢)

**[3772] 2 - (1502)** It was narrated from Abû Hurairah, that the Prophet ﷺ said concerning a slave who is owned by two men, one of whom manumits (his share): "He is responsible (for manumitting the other share)."

**[٣٧٧٢] ٢-(١٥٠٢) وحَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّىٰ - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ -: فِي الْمَمْلُوكِ بَيْنَ الرَّجُلَيْنِ، فَيُعْتِقُ أَحَدُهُمَا قَالَ -: «يَضْمَنُ». [انظر: ٤٣٣١]

**[3773] 3 - (1503)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever manumits his share of a slave, let him manumit him completely with his own wealth if he has wealth, and if he does not have wealth, let the slave work for his manumission, without being overburdened."

**[٣٧٧٣] ٣-(١٥٠٣) وحَدَّثَنِي** عَمْرٌو النَّاقِدُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنِ النَّضْرِ ابْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ شِقْصًا لَهُ فِي عَبْدٍ، فَخَلَاصُهُ فِي مَالِهِ إِنْ كَانَ لَهُ مَالٌ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ،

اسْتُسْعِيَ الْعَبْدُ غَيْرَ مَشْقُوقٍ عَلَيْهِ». [انظر: ٤٣٣٢]

[3774] 4 - (...) It was narrated from Sa'eed bin Abî 'Arûbah with this chain (a *Hadîth* similar to no. 3773), and he added: "If he does not have any money, a fair price should be worked out for the slave, then let him work for the share that was not manumitted, without him being overburdened."

[٣٧٧٤] ٤-(...) وحَدَّثَنَا عَلِيُّ بْنُ خَشْرَمٍ: أَخْبَرَنَا عِيسَىٰ يَعْنِي ابْنَ يُونُسَ، عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ بِهَـٰذَا الْإِسْنَادِ، وَزَادَ «إِنْ لَمْ يَكُنْ لَهُ مَالٌ قُوِّمَ عَلَيْهِ الْعَبْدُ قِيمَةَ عَدْلٍ، ثُمَّ يُسْتَسْعَىٰ فِي نَصِيبِ الَّذِي لَمْ يُعْتِقْ، غَيْرَ مَشْقُوقٍ عَلَيْهِ».

[3775] (...) Wahb bin Jarîr narrated: "My father said: 'I heard Qatâdah narrate...'" a *Hadîth* similar to that of Ibn Abî 'Arûbah (no. 3774) with this chain, and he mentioned in the *Hadîth*: "...A fair price should be worked out for him."

[٣٧٧٥] (...) حَدَّثَنِي هَـٰرُونُ بْنُ عَبْدِ اللهِ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا أَبِي قَالَ: سَمِعْتُ قَتَادَةَ يُحَدِّثُ بِهَـٰذَا الْإِسْنَادِ، بِمَعْنَىٰ حَدِيثِ ابْنِ أَبِي عَرُوبَةَ، وَذَكَرَ فِي الْحَدِيثِ: قُوِّمَ عَلَيْهِ قِيمَةَ عَدْلٍ.

## Chapter 2. *Al-Walâ'* (Right Of Inheritance) Belongs To The One Who Manumits The Slave

## (المعجم ٢) - (بَابُ بيان أن الولاء لمن أعتق) (التحفة ٣)

[3776] 5 - (1504) It was narrated from 'Âishah that she wanted to buy a slave woman and manumit her, and her masters said: "We will sell her on condition that the right of inheritance (*Al-Walâ'*) remains ours." She mentioned that to the Messenger of Allâh ﷺ and he said: "Do not let that stop you, for the right of inheritance belongs to the one who manumits (the slave)."

[٣٧٧٦] ٥-(١٥٠٤) وحَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عَائِشَةَ أَنَّهَا أَرَادَتْ أَنْ تَشْتَرِيَ جَارِيَةً تُعْتِقُهَا، فَقَالَ أَهْلُهَا: نَبِيعُكِهَا عَلَىٰ أَنَّ وَلَاءَهَا لَنَا، فَذَكَرَتْ ذَٰلِكَ لِرَسُولِ اللهِ ﷺ فَقَالَ: «لَا يَمْنَعُكِ ذَٰلِكِ، فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ».

**[3777] 6 - (...)** It was narrated from 'Urwah that 'Âishah told him that Barîrah came to her seeking her help with her contract of manumission, as she had not paid off anything stipulated in her contract of manumission. 'Âishah said to her: "Go back to your masters, and if they like, I will pay off your contract of manumission on your behalf, and the right of inheritance (*Al-Walâ'*) will be mine, then I will do it." Barîrah mentioned that to her masters, but they refused and said: "If she wishes to do that for you, seeking reward with Allâh, then let her do it, but the right of inheritance will be ours." She ('Âishah) mentioned that to the Messenger of Allâh ﷺ and the Messenger of Allâh ﷺ said to her: "Buy her and manumit her, for the right of inheritance belongs to the one who manumits (the slave)." Then the Messenger of Allâh ﷺ stood up and said: "What is the matter with people who stipulate conditions that are not in the Book of Allâh? Whoever stipulates a condition that is not in the Book of Allâh has no right, even if he stipulates a hundred times. The conditions stipulated by Allâh are more valid and carry more weight."

[٣٧٧٧] ٦-(. . .) **وحَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ؛ أَنَّ عَائِشَةَ أَخْبَرَتْهُ؛ أَنَّ بَرِيرَةَ جَاءَتْ عَائِشَةَ تَسْتَعِينُهَا فِي كِتَابَتِهَا، وَلَمْ تَكُنْ قَضَتْ مِنْ كِتَابَتِهَا شَيْئًا، فَقَالَتْ لَهَا عَائِشَةُ: ارْجِعِي إِلَىٰ أَهْلِكِ، فَإِنْ أَحَبُّوا أَنْ أَقْضِيَ عَنْكِ كِتَابَتَكِ، وَيَكُونَ وَلَاؤُكِ لِي، فَعَلْتُ، فَذَكَرَتْ ذٰلِكَ بَرِيرَةُ لِأَهْلِهَا، فَأَبَوْا، وَقَالُوا: إِنْ شَاءَتْ أَنْ تَحْتَسِبَ عَلَيْكِ فَلْتَفْعَلْ، وَيَكُونَ لَنَا وَلَاؤُكِ، فَذَكَرَتْ ذٰلِكَ لِرَسُولِ اللهِ ﷺ، فَقَالَ لَهَا رَسُولُ اللهِ ﷺ: «ابْتَاعِي فَأَعْتِقِي، فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ» ثُمَّ قَامَ رَسُولُ اللهِ ﷺ فَقَالَ: «مَا بَالُ أُنَاسٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فِي كِتَابِ اللهِ؟ مَنِ اشْتَرَطَ شَرْطًا لَيْسَ فِي كِتَابِ اللهِ، فَلَيْسَ لَهُ، وَإِنْ شَرَطَ مِائَةَ مَرَّةٍ، شَرْطُ اللهِ أَحَقُّ وَأَوْثَقُ».

**[3778] 7 - (...)** It was narrated from 'Âishah, the wife of the Prophet ﷺ, that she said: "Barîrah came to me and said: 'O

[٣٧٧٨] ٧-(. . .) **حَدَّثَنِي** أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ

'Âishah, I have made a contract of manumission with my masters, for nine *Uqiyahs*, one *Uqiyah* each year...'" a *Hadîth* like that of Al-Laith (no. 3777). And he added: "He (ﷺ) said: 'Do not let that stop you; buy her and manumit her.'" And he (a narrator) said in the *Hadîth*: "Then the Messenger of Allâh ﷺ stood up before the people and praised and glorified Allâh, then he said: "To proceed."

الزُّبَيْرِ، عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ أَنَّهَا قَالَتْ: جَاءَتْ بَرِيرَةُ إِلَيَّ، فَقَالَتْ: يَا عَائِشَةُ! إِنِّي كَاتَبْتُ أَهْلِي عَلَىٰ تِسْعِ أَوَاقٍ، فِي كُلِّ عَامٍ وُقِيَّةٌ، بِمَعْنَىٰ حَدِيثِ اللَّيْثِ، وَزَادَ فَقَالَ: «لَا يَمْنَعُكِ ذٰلِكِ مِنْهَا، ابْتَاعِي وَأَعْتِقِي»، وَقَالَ فِي الْحَدِيثِ: ثُمَّ قَامَ رَسُولُ اللهِ ﷺ فِي النَّاسِ فَحَمِدَ اللهَ وَأَثْنَىٰ عَلَيْهِ، ثُمَّ قَالَ: «أَمَّا بَعْدُ».

**[3779] 8 - (...)** It was narrated that 'Âishah said: "Barîrah entered upon me and said: 'My masters have made a contract of manumission for me, in return for nine *Uqiyah* over (a period of) nine years, one *Uqiyah* each year; help me.' I said to her: 'If your masters wish, I will prepare it for them in one payment, and I will manumit you, and the right of inheritance will be mine, (only) then I will do it.' She mentioned that to her masters, but they insisted that the right of inheritance would be theirs. She came to me and told me that, and I scolded her. She said: 'Then it is not possible.' The Messenger of Allâh ﷺ heard and he asked me, and I told him about that. He said: 'Buy her and manumit her, even if they stipulated that the right of inheritance would be theirs, for the right of inheritance belongs to

**[٣٧٧٩] ٨-(...) [و]حَدَّثَنَا** أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ الْهَمْدَانِيُّ: حَدَّثَنَا أَبُو أُسَامَةَ: حَدَّثَنَا هِشَامُ بْنُ عُرْوَةَ: أَخْبَرَنِي أَبِي عَنْ عَائِشَةَ قَالَتْ: دَخَلَتْ عَلَيَّ بَرِيرَةُ فَقَالَتْ: إِنَّ أَهْلِي كَاتَبُونِي عَلَىٰ تِسْعِ أَوَاقٍ فِي تِسْعِ سِنِينَ، [فِي] كُلِّ سَنَةٍ وُقِيَّةٌ، فَأَعِينِينِي، فَقُلْتُ لَهَا: إِنْ شَاءَ أَهْلُكِ أَنْ أَعُدَّهَا لَهُمْ عَدَّةً وَاحِدَةً وَأُعْتِقَكِ، وَيَكُونَ الْوَلَاءُ لِي، فَعَلْتُ، فَذَكَرَتْ ذٰلِكَ لِأَهْلِهَا، فَأَبَوْا إِلَّا أَنْ يَكُونَ الْوَلَاءُ لَهُمْ، فَأَتَتْنِي فَذَكَرَتْ ذٰلِكَ - قَالَتْ -: فَانْتَهَرْتُهَا، فَقَالَتْ: لَاهَاءَ اللهِ إِذًا، قَالَتْ: فَسَمِعَ رَسُولُ اللهِ ﷺ، فَسَأَلَنِي فَأَخْبَرْتُهُ، فَقَالَ: «اشْتَرِيهَا وَأَعْتِقِيهَا، وَاشْتَرِطِي لَهُمُ الْوَلَاءَ، فَإِنَّ

the one who manumits (the slave).' So I did that. Then the Messenger of Allâh ﷺ adressed the people in the evening. He praised and glorified Allâh as He deserves, then he said: 'What is the matter with people who stipulate conditions that are not in the Book of Allâh? There is no condition that is not in the Book of Allâh but it is invalid, even if there are one hundred conditions. The Book of Allâh is more deserving of being followed and the conditions of Allâh are more binding. What is the matter with some men among you who say: "Manumit so-and-so and the right of inheritance will be mine;" rather the right of inheritance belongs to the one who manumits (the slave).'"

الْوَلَاءَ لِمَنْ أَعْتَقَ» فَفَعَلْتُ، قَالَتْ: ثُمَّ خَطَبَ رَسُولُ اللهِ ﷺ عَشِيَّةً، فَحَمِدَ اللهَ وَأَثْنَىٰ عَلَيْهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ: «أَمَّا بَعْدُ، فَمَا بَالُ أَقْوَامٍ يَشْتَرِطُونَ شُرُوطًا لَيْسَتْ فِي كِتَابِ اللهِ؟ مَا كَانَ مِنْ شَرْطٍ لَيْسَ فِي كِتَابِ اللهِ عَزَّ وَجَلَّ فَهُوَ بَاطِلٌ، وَإِنْ كَانَ مِائَةَ شَرْطٍ، كِتَابُ اللهِ أَحَقُّ وَشَرْطُ اللهِ أَوْثَقُ، مَا بَالُ رِجَالٍ مِنْكُمْ يَقُولُ أَحَدُهُمْ: أَعْتِقْ فُلَانًا وَالْوَلَاءُ لِي، إِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ».

**[3780] 9 - (...)** A *Hadîth* similar to that of Abû Usâmah (no. 3779) was narrated from Hishâm bin 'Urwah with this chain, except that in the *Hadîth* of Jarîr it says: "...Her husband was a slave, and the Messenger of Allâh ﷺ gave her the choice, and she chose herself. If he had been a free man, he would not have given her the choice."

**[٣٧٨٠] ٩-(...) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا ابْنُ نُمَيْرٍ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ، جَمِيعًا عَنْ جَرِيرٍ، كُلُّهُمْ عَنْ هِشَامِ ابْنِ عُرْوَةَ بِهَٰذَا الْإِسْنَادِ، نَحْوَ حَدِيثِ أَبِي أُسَامَةَ، غَيْرَ أَنَّ فِي حَدِيثِ جَرِيرٍ: قَالَ: وَكَانَ زَوْجُهَا عَبْدًا، فَخَيَّرَهَا رَسُولُ اللهِ ﷺ، فَاخْتَارَتْ نَفْسَهَا، وَلَوْ كَانَ حُرًّا لَمْ يُخَيِّرْهَا، وَلَيْسَ فِي حَدِيثِهِمْ: «أَمَّا بَعْدُ».

**[3781] 10 - (...)** It was narrated that 'Âishah said: "Three rulings were given concerning Barîrah.

**[٣٧٨١] ١٠-(...) حَدَّثَنَا** زُهَيْرُ بْنُ حَرْبٍ ومُحَمَّدُ بْنُ الْعَلَاءِ - وَاللَّفْظُ لِزُهَيْرٍ

Her masters wanted to sell her but they stipulated that the right of inheritance would be theirs. I mentioned that to the Prophet ﷺ and he said: 'Buy her and manumit her, for the right of inheritance belongs to the one who manumits (the slave).'" She said: "Then she was manumitted, and the Messenger of Allâh ﷺ gave her the choice,[1] and she chose herself. And the people used to give her charity and she would give us gifts. I mentioned that to the Prophet ﷺ and he said: 'It is charity for her, but it is a gift for you, so eat it.'"

- قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا هِشَامُ ابْنُ عُرْوَةَ عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ فِي بَرِيرَةَ ثَلَاثُ قَضِيَّاتٍ أَرَادَ أَهْلُهَا أَنْ يَبِيعُوهَا وَيَشْتَرِطُوا وَلَاءَهَا، فَذَكَرْتُ ذَٰلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «اشْتَرِيهَا وَأَعْتِقِيهَا، فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ»- قَالَتْ: وَعُتِقَتْ، فَخَيَّرَهَا رَسُولُ اللهِ ﷺ، فَاخْتَارَتْ نَفْسَهَا -قَالَتْ-: وَكَانَ النَّاسُ يَتَصَدَّقُونَ عَلَيْهَا وَتُهْدِي لَنَا، فَذَكَرْتُ ذَٰلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «هُوَ عَلَيْهَا صَدَقَةٌ، وَهُوَ لَكُمْ هَدِيَّةٌ، فَكُلُوهُ».

**[3782] 11 - (...)** It was narrated from 'Âishah that she bought Barîrah from some people among the *Anṣâr*, and they stipulated that the right of inheritance would be theirs. The Messenger of Allâh ﷺ said: "The right of inheritance belongs to the one who bestows the favor (manumits the slave)." And the Messenger of Allâh ﷺ gave her the choice, as her husband was a slave. And she gave some meat to 'Âishah as a gift, and the Messenger of Allâh ﷺ said: "Why don't you cook some of this meat for us?" 'Âishah said: "It was given in charity to Barîrah." He said: "It

**[٣٧٨٢] ١١-(...) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حُسَيْنُ ابْنُ عَلِيٍّ عَنْ زَائِدَةَ، عَنْ سِمَاكٍ، عَنْ عَبْدِ الرَّحْمَٰنِ ابْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ؛ أَنَّهَا اشْتَرَتْ بَرِيرَةَ مِنْ أُنَاسٍ مِنَ الْأَنْصَارِ، وَاشْتَرَطُوا الْوَلَاءَ، فَقَالَ رَسُولُ اللهِ ﷺ: «الْوَلَاءُ لِمَنْ وَلِيَ النِّعْمَةَ» وَخَيَّرَهَا رَسُولُ اللهِ ﷺ، وَكَانَ زَوْجُهَا عَبْدًا، وَأَهْدَتْ لِعَائِشَةَ لَحْمًا، فَقَالَ رَسُولُ اللهِ ﷺ: «لَوْ صَنَعْتُمْ لَنَا مِنْ هَٰذَا اللَّحْمِ؟» قَالَتْ

[1] The choice to be with her husband, who is still a slave or to leave him and be free.

is charity for her and a gift for us."

عَائِشَةُ: تُصُدِّقَ بِهِ عَلَىٰ بَرِيرَةَ، فَقَالَ: «هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ».

**[3783] 12 - (...)** It was narrated from 'Âishah that she wanted to buy Barîrah in order to manumit her, but they (her owners) stipulated conditions about the right of inheritance. She mentioned that to the Messenger of Allâh ﷺ and he said: "Buy her and manumit her, for the right of inheritance belongs to the one who manumits (the slave)." Some meat was given to the Messenger of Allâh ﷺ as a gift, and they said to the Prophet ﷺ: "This was given in charity to Barîrah." He said: "It is charity for her but it is a gift for us." And she was given the choice.
'Abdur-Raḥmân (a narrator) said: "Her husband was a free man." Shu'bah said: "Then I asked him about her husband, and he said: 'I do not know.'"

[٣٧٨٣] **١٢-(...) حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ، قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَٰنِ ابْنَ الْقَاسِمِ قَالَ: سَمِعْتُ الْقَاسِمَ يُحَدِّثُ عَنْ عَائِشَةَ؛ أَنَّهَا أَرَادَتْ أَنْ تَشْتَرِيَ بَرِيرَةَ لِلْعِتْقِ، فَاشْتَرَطُوا وَلَاءَهَا، فَذَكَرَتْ ذَٰلِكَ لِرَسُولِ اللهِ ﷺ، فَقَالَ: «اشْتَرِيهَا وَأَعْتِقِيهَا، فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ»، وَأُهْدِيَ لِرَسُولِ اللهِ ﷺ لَحْمٌ، فَقَالُوا لِلنَّبِيِّ ﷺ: هَٰذَا تُصُدِّقَ بِهِ عَلَىٰ بَرِيرَةَ فَقَالَ: «هُوَ لَهَا صَدَقَةٌ، وَهُوَ لَنَا هَدِيَّةٌ»، وَخُيِّرَتْ، فَقَالَ عَبْدُ الرَّحْمَٰنِ: وَكَانَ زَوْجُهَا حُرًّا، قَالَ شُعْبَةُ: ثُمَّ سَأَلْتُهُ عَنْ زَوْجِهَا؟ فَقَالَ: لَا أَدْرِي.

**[3784] (...)** Shu'bah narrated a similar report (as no. 3783) with this chain.

[٣٧٨٤] (...) **وحَدَّثَنَاه** أَحْمَدُ بْنُ عُثْمَانَ النَّوْفَلِيُّ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شُعْبَةُ، بِهَٰذَا الْإِسْنَادِ نَحْوَهُ.

**[3785] 13 - (...)** It was narrated from 'Urwah that 'Âishah said: "The husband of Barîrah was a slave."

[٣٧٨٥] **١٣-(...) وحَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ، جَمِيعًا عَنْ أَبِي هِشَامٍ - قَالَ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُغِيرَةُ ابْنُ سَلَمَةَ الْمَخْزُومِيُّ أَبُو هِشَامٍ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ يَزِيدَ بْنِ

رُومَانَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ زَوْجُ بَرِيرَةَ عَبْدًا.

**[3786] 14 - (...)** It was narrated from 'Âishah, the wife of the Prophet ﷺ, that she said: "Three rulings were established concerning Barîrah: She was given the choice about her husband when she was manumitted; some meat was given to her and the Messenger of Allâh ﷺ entered upon me when the earthen pot was on the fire. He called for some food, and some bread, and ordinary condiments were brought to him. He said: 'Do I not see an earthen pot on the fire with meat in it?' They said: 'Yes, O Messenger of Allâh; that is meat that was given in charity to Barîrah and we did not want to give some to you.' He said: 'It is charity for her but it is a gift from her to us.'" And the Prophet ﷺ said concerning her: 'The right of inheritance belongs to the one who manumits (the slave).'"

**[٣٧٨٦] ١٤-(...)** وحَدَّثَنِي أَبُو الطَّاهِرِ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَالِكُ ابْنُ أَنَسٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَٰنِ، عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ أَنَّهَا قَالَتْ: كَانَتْ فِي بَرِيرَةَ ثَلَاثُ سُنَنٍ: خُيِّرَتْ عَلَىٰ زَوْجِهَا حِينَ عَتَقَتْ، وَأُهْدِيَ لَهَا لَحْمٌ فَدَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ وَالْبُرْمَةُ عَلَىٰ النَّارِ، فَدَعَا بِطَعَامٍ، فَأُتِيَ بِخُبْزٍ وَأُدُمٍ مِنْ أُدُمِ الْبَيْتِ، فَقَالَ: «أَلَمْ أَرَ بُرْمَةً عَلَىٰ النَّارِ فِيهَا لَحْمٌ؟» فَقَالُوا: بَلَىٰ، يَا رَسُولَ اللهِ! ذَٰلِكَ لَحْمٌ تُصُدِّقَ بِهِ عَلَىٰ بَرِيرَةَ، فَكَرِهْنَا أَنْ نُطْعِمَكَ مِنْهُ، فَقَالَ: «هُوَ عَلَيْهَا صَدَقَةٌ وَهُوَ مِنْهَا لَنَا هَدِيَّةٌ»، وَقَالَ النَّبِيُّ ﷺ فِيهَا: «إِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ».

**[3787] 15 - (1505)** It was narrated that Abû Hurairah said: "'Âishah wanted to buy Barîrah and manumit her, but her masters insisted that the right of inheritance should be theirs. She mentioned that to the Messenger of Allâh ﷺ and he said: 'Do not let that stop you, for the right of inheritance belongs to the one who manumits (the slave).'"

**[٣٧٨٧] ١٥-(١٥٠٥)** حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا خَالِدُ ابْنُ مَخْلَدٍ، عَنْ سُلَيْمَانَ بْنِ بِلَالٍ: حَدَّثَنِي سُهَيْلُ بْنُ أَبِي صَالِحٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَرَادَتْ عَائِشَةُ أَنْ تَشْتَرِيَ جَارِيَةً تُعْتِقُهَا، فَأَبَىٰ أَهْلُهَا إِلَّا أَنْ يَكُونَ لَهُمُ الْوَلَاءُ، فَذَكَرَتْ ذَٰلِكَ لِرَسُولِ

اللهِ ﷺ، فَقَالَ: «لَا يَمْنَعُكِ ذٰلِكِ، فَإِنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ».

## (المعجم ٣) - (بَابُ النهي عن بيع الولاء وهبته) (التحفة ٤)

## Chapter 3. The Prohibition Of Selling Or Giving Away The *Walâ'*

[٣٧٨٨] ١٦-(١٥٠٦) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ التَّمِيمِيُّ: أَخْبَرَنَا سُلَيْمَانُ بْنُ بِلَالٍ عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ بَيْعِ الْوَلَاءِ وَعَنْ هِبَتِهِ.

قَالَ إِبْرَاهِيمُ سَمِعْتُ مُسْلِمَ بْنَ الْحَجَّاجِ يَقُولُ: النَّاسُ كُلُّهُمْ عِيَالٌ، عَلَىٰ عَبْدِ اللهِ ابْنِ دِينَارٍ، فِي هٰذَا الْحَدِيثِ.

**[3788] 16 - (1506)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade selling or giving away the *Walâ'*.

Ibrâhîm said:[1] "I heard Muslim bin Al-Ḥajjâj say: 'All people depend on 'Abdullâh bin Dînâr in this *Ḥadîth*.'"

[٣٧٨٩] (...) وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ قَالَا: حَدَّثَنَا ابْنُ عُيَيْنَةَ، وَحَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ، قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا سُفْيَانُ بْنُ سَعِيدٍ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ قَالَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ: حَدَّثَنَا عُبَيْدُ اللهِ؛ وَحَدَّثَنَا

**[3789] (...)** A similar report (as no. 3788) was narrated from 'Abdullâh bin Dînâr, from Ibn 'Umar, from the Prophet ﷺ, except that in the *Ḥadîth* of Ath-Thaqafî from 'Ubaidullâh, it mentions selling only and does not mention giving away.

[1] That is, Ibrâhîm bin Muḥammad bin Sufyân, one of those who reports this book from Imâm Muslim. The meaning of the statement of Imâm Muslim is that it has only been reported by 'Abdullâh bin Dînâr.

ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الضَّحَّاكُ يَعْنِي ابْنَ عُثْمَانَ، كُلُّ هَٰؤُلَاءِ عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ، غَيْرَ أَنَّ الثَّقَفِيَّ لَيْسَ فِي حَدِيثِهِ عَنْ عُبَيْدِ اللهِ، إِلَّا الْبَيْعُ، وَلَمْ يَذْكُرِ الْهِبَةَ.

## Chapter 4. The Prohibition Of A Manumitted Slave Taking Anyone As A *Mawla*[1] Except The One Who Manumitted Him

## (المعجم ٤) - (بَابُ تحريم تولي العتيق غير مواليه) (التحفة ٥)

**[3790] 17 - (1507)** Jâbir bin 'Abdullâh said: "The Prophet ﷺ dictated the blood money to be paid by each tribe, then he dictated: 'It is not permissible for a Muslim to become the *Mawla* of a slave who has been manumitted by a Muslim man, without his permission.' Then I was told that in his *Ṣaḥîfah* (a letter), he cursed the one who did that."

**[٣٧٩٠] ١٧-(١٥٠٧)** حَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: كَتَبَ النَّبِيُّ ﷺ عَلَىٰ كُلِّ بَطْنٍ عُقُولَهُ، ثُمَّ كَتَبَ «أَنَّهُ لَا يَحِلُّ [لِمُسْلِمٍ] أَنْ يَتَوَالَىٰ مَوْلَىٰ رَجُلٍ مُسْلِمٍ بِغَيْرِ إِذْنِهِ» ثُمَّ أُخْبِرْتُ، أَنَّهُ لَعَنَ - فِي صَحِيفَتِهِ مَنْ فَعَلَ ذٰلِكَ.

**[3791] 18 - (1508)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever takes people as *Mawla* without the permission of the those who set him free, upon him

**[٣٧٩١] ١٨-(١٥٠٨)** حَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا يعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَٰنِ الْقَارِيَّ، عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ:

[1] The word *Mawla* refers to the one who manumits a slave, who has the right to inherit from the ex-slave. Changing one's *Mawla* means giving the right of inheritance to the new *Mawla*.

will be the curse of Allâh and the Angels, and no *Ṣarf* nor *'Adl* will be accepted from him."

«مَنْ تَوَلَّىٰ قَوْمًا بِغَيْرِ إِذْنِ مَوَالِيهِ، فَعَلَيْهِ لَعْنَةُ اللهِ وَالْمَلَائِكَةِ، لَا يُقْبَلُ مِنْهُ صَرْفٌ وَلَا عَدْلٌ».

**[3792] 19 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever takes people as his *Mawla* without the permission of those who set him free, upon him will be the curse of Allâh, the Angels and all the people, and on the Day of Resurrection, no *'Adl* nor *Ṣarf* will accepted from him."

**[٣٧٩٢] ١٩-(...) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ الْجُعْفِيُّ، عَنْ زَائِدَةَ، عَنْ سُلَيْمَانَ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ تَوَلَّىٰ قَوْمًا بِغَيْرِ إِذْنِ مَوَالِيهِ، فَعَلَيْهِ لَعْنَةُ اللهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يُقْبَلُ مِنْهُ، يَوْمَ الْقِيَامَةِ، عَدْلٌ وَلَا صَرْفٌ».

**[3793] (...)** It was narrated from Al-A'ma<u>sh</u> with this chain (a *Ḥada<u>th</u>* similar to no. 3792), except that he said: "Whoever takes people other than those who set him free as *Mawla* without their permission..."

**[٣٧٩٣] (...) وَحَدَّثَنِيهِ** إِبْرَاهِيمُ بْنُ دِينَارٍ: حَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُوسَىٰ: حَدَّثَنَا شَيْبَانُ عَنِ الْأَعْمَشِ بِهَٰذَا الْإِسْنَادِ، غَيْرَ أَنَّهُ قَالَ: «وَمَنْ وَالَىٰ غَيْرَ مَوَالِيهِ بِغَيْرِ إِذْنِهِمْ».

**[3794] 20 - (1370)** It was narrated from Ibrâhîm At-Taimî that his father said: "'Alî bin Abî Ṭâlib addressed us and said: 'Whoever claims that we have something that we recite apart from the Book of Allâh and this *Ṣaḥîfah*' - a document that was hanging from the sheath of his sword - 'is lying. In it are the ages of camels and rulings concerning injuries, and in it the Prophet ﷺ said: "Al-Madînah is sacred, the

**[٣٧٩٤] ٢٠-(١٣٧٠) وحَدَّثَنَا** أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ عَنْ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ أَبِيهِ قَالَ: خَطَبَنَا عَلِيُّ بْنُ أَبِي طَالِبٍ فَقَالَ: مَنْ زَعَمَ أَنَّ عِنْدَنَا شَيْئًا نَقْرَأُهُ إِلَّا كِتَابَ اللهِ عَزَّ وَجَلَّ وَهَٰذِهِ الصَّحِيفَةُ - قَالَ: وَصَحِيفَةٌ مُعَلَّقَةٌ فِي قِرَابِ سَيْفِهِ - فَقَدْ كَذَبَ، فِيهَا أَسْنَانُ الْإِبِلِ، وَأَشْيَاءُ مِنَ

area between 'Ayr and Thawr. Whoever introduces any *Hadath* or gives refuge to a *Muhdith*, upon him will be the curse of Allâh, the Angels and all the people, and on the Day of Resurrection Allâh will not accept any *Sarf* nor *'Adl* from him. Protection granted by one Muslim is binding upon all of them, and may be given by the humblest of them. Whoever claims to belong to someone other than his father or to belong to someone other than his *Mawla*, upon him be the curse of Allâh, the Angels and all the people, and on the Day of Resurrection Allâh will not accept any *Sarf* nor *'Adl* from him."

الْجِرَاحَاتِ، وَفِيهَا قَالَ النَّبِيُّ ﷺ: «الْمَدِينَةُ حَرَمٌ مَا بَيْنَ عَيْرٍ إِلَىٰ ثَوْرٍ، فَمَنْ أَحْدَثَ فِيهَا حَدَثًا أَوْ آوَىٰ مُحْدِثًا، فَعَلَيْهِ لَعْنَةُ اللهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يَقْبَلُ اللهُ مِنْهُ يَوْمَ الْقِيَامَةِ، صَرْفًا وَلَا عَدْلًا، وَذِمَّةُ الْمُسْلِمِينَ وَاحِدَةٌ يَسْعَىٰ بِهَا أَدْنَاهُمْ، وَمَنِ ادَّعَىٰ إِلَىٰ غَيْرِ أَبِيهِ أَوِ انْتَمَىٰ إِلَىٰ غَيْرِ مَوَالِيهِ فَعَلَيْهِ لَعْنَةُ اللهِ وَالْمَلَائِكَةِ وَالنَّاسِ أَجْمَعِينَ، لَا يَقْبَلُ اللهُ مِنْهُ يَوْمَ الْقِيَامَةِ، صَرْفًا وَلَا عَدْلًا».

[راجع: ٣٣٢٧]

## Chapter 5. The Virtue Of Manumitting Slaves

## (المعجم ٥) - (بَابُ فضل العتق)

(التحفة ٦)

**[3795] 21 - (1509)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever frees a believing slave, Allâh will ransom each of his limbs from the Fire for each of his (the slave's) limbs."

**[٣٧٩٥] ٢١-(١٥٠٩)** **حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ الْعَنَزِيُّ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عَبْدِ اللهِ بْنِ سَعِيدٍ وَهُوَ ابْنُ أَبِي هِنْدٍ: حَدَّثَنِي إِسْمَاعِيلُ ابْنُ أَبِي حَكِيمٍ، عَنْ سَعِيدِ بْنِ مَرْجَانَةَ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ رَقَبَةً مُؤْمِنَةً، أَعْتَقَ اللهُ بِكُلِّ إِرْبٍ مِنْهَا إِرْبًا مِنْهُ مِنَ النَّارِ».

**[3796] 22 - (...)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever frees a believing slave,

**[٣٧٩٦] ٢٢-(...)** **وحَدَّثَنَا** دَاوُدُ ابْنُ رُشَيْدٍ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ

Allâh will ransom each of his limbs from the Fire for each of his (the slave's) limbs, even his private part for his private part."

مُحَمَّدِ بْنِ مُطَرِّفٍ أَبِي غَسَّانَ الْمَدَنِيِّ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَلِيِّ بْنِ حُسَيْنٍ، عَنْ سَعِيدِ بْنِ مَرْجَانَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «مَنْ أَعْتَقَ رَقَبَةً مُؤْمِنَةً، أَعْتَقَ اللهُ بِكُلِّ عُضْوٍ مِنْهَا عُضْوًا مِنْ أَعْضَائِهِ مِنَ النَّارِ، حَتَّىٰ فَرْجَهُ بِفَرْجِهِ».

**[3797] 23 - (...)** It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'Whoever frees a believing slave, Allâh will ransom each of his limbs from the Fire for each of his (the slave's) limbs, until He ransoms his private part for his private part.'"

**[٣٧٩٧] ٢٣-(...)** [و]حَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنِ ابْنِ الْهَادِ، عَنْ عُمَرَ بْنِ عَلِيِّ بْنِ حُسَيْنٍ، عَنْ سَعِيدِ ابْنِ مَرْجَانَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ أَعْتَقَ رَقَبَةً مُؤْمِنَةً، أَعْتَقَ اللهُ بِكُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنَ النَّارِ، حَتَّىٰ يُعْتِقَ فَرْجَهُ بِفَرْجِهِ».

**[3798] 24 - (...)** It was narrated from Sa'eed bin Marjânah - the companion of 'Alî bin Ḥusain - who said: "I heard Abû Hurairah say: 'The Messenger of Allâh ﷺ said: "Any Muslim who frees another Muslim, Allâh will save each of his limbs from the Fire for each of his (the slave's) limbs." He said: "When I heard this *Hadîth* from Abû Hurairah, I went and mentioned it to 'Alî bin Al-Ḥuṣain and he manumitted a slave of his for whom Ibn Ja'far

**[٣٧٩٨] ٢٤-(...)** وحَدَّثَنِي حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا عَاصِمٌ وَهُوَ ابْنُ مُحَمَّدٍ الْعُمَرِيُّ: حَدَّثَنَا وَاقِدٌ - يَعْنِي أَخَاهُ -: حَدَّثَنِي سَعِيدُ بْنُ مَرْجَانَةَ - صَاحِبُ عَلِيِّ ابْنِ حُسَيْنٍ - قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «أَيُّمَا امْرِئٍ مُسْلِمٍ أَعْتَقَ امْرَءًا مُسْلِمًا، اسْتَنْقَذَ اللهُ بِكُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنْهُ مِنَ النَّارِ»

was prepared to pay ten thousand Dirham - or one thousand Dînârs."

قَالَ: فَانْطَلَقْتُ حِينَ سَمِعْتُ الْحَدِيثَ مِنْ أَبِي هُرَيْرَةَ، فَذَكَرْتُهُ لِعَلِيِّ بْنِ الْحُسَيْنِ، فَأَعْتَقَ عَبْدًا لَهُ قَدْ أَعْطَاهُ بِهِ ابْنُ جَعْفَرٍ عَشْرَةَ آلَافِ [دِرْهَمٍ] - أَوْ أَلْفَ دِينَارٍ.

## Chapter 6. The Virtue Of Manumitting One's Father

(المعجم ٦) - (بَابُ فضل عتق الوالد)
(التحفة ٧)

**[3799] 25 - (1510)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'No son can repay his father unless he finds him enslaved and buys him and manumits him.'"

**[٣٧٩٩] ٢٥-(١٥١٠) حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ قَالَا: حَدَّثَنَا جَرِيرٌ عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَجْزِي وَلَدٌ وَالِدًا إِلَّا أَنْ يَجِدَهُ مَمْلُوكًا فَيَشْتَرِيَهُ فَيُعْتِقَهُ»، وَفِي رِوَايَةِ ابْنِ أَبِي شَيْبَةَ «وَلَدٌ وَالِدَهُ».

**[3800] (...)** A similar report (as no. 3799) was narrated from Suhail with this chain.

**[٣٨٠٠] (...) وحَدَّثناه** أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ، وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنِي عَمْرٌو النَّاقِدُ: حَدَّثَنَا أَبُو أَحْمَدَ الزُّبَيْرِيُّ، كُلُّهُمْ عَنْ سُفْيَانَ، عَنْ سُهَيْلٍ بِهَذَا الْإِسْنَادِ مِثْلَهُ، وَقَالُوا «وَلَدٌ والِدَهُ».

# 21. The Book Of Financial Transactions

# ٦ - (المعجم ٢١) - كتاب البيوع (التحفة ١٢)

## Chapters 1. The Invalidity Of *Al-Mulâmasah*[1] And *Al-Munâbadhah*[2] Transactions

## (المعجم ١) - (بَابُ إبطال بيع الملامسة والمنابذة) (التحفة ١)

**[3801] 1 - (1511)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade *Mulâmasah* and *Munâbadhah* transactions.

**[٣٨٠١] ١-(١٥١١) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ قَالَ: قَرَأْتُ عَلَى مَالِكٍ عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَى عَنْ بَيْعِ الْمُلَامَسَةِ وَالْمُنَابَذَةِ.

**[3802]** (...) A similar report (as no. 3801) was narrated from Abû Hurairah, from the Prophet ﷺ (with a different chain of narrators).

**[٣٨٠٢]** (...) **وحَدَّثَنَا** أَبُو كُرَيْبٍ وَابْنُ أَبِي عُمَرَ قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ مِثْلَهُ.

**[3803]** (...) A similar report (as no. 3801) was narrated from Abû Hurairah, from the Prophet ﷺ (with a different chain of narrators).

**[٣٨٠٣]** (...) **وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ نُمَيْرٍ وأَبُو أُسَامَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْوَهَّابِ، كُلُّهُمْ عَنْ عُبَيْدِ اللهِ

[1] *Al-Mulâmasah* is a buy for prefixed price with closed eyes, or in darkness just by the first touch of hand.

[2] *Al-Munâbadhah* is an agreement to barter one thing for another without seeing or cheeking either of them.

ابْنِ عُمَرَ، عَنْ خُبَيْبِ بْنِ عَبْدِ الرَّحْمَٰنِ، عَنْ حَفْصِ بْنِ عَاصِمٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

**[3804] (...)** A similar report (as no. 3801) was narrated from Abû Hurairah, from the Prophet ﷺ.

[٣٨٠٤] (...) **وحَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَٰنِ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

**[3805] 2 - (...)** It was narrated from Abû Hurairah that he said: "Two kinds of transaction were forbidden: *Mulâmasah* and *Munâbadhah*. *Mulâmasah* is when each person touches (*Yalmis*) the garment of his companion without examining it further, and *Munâbadhah* is when each person throws (*Yanbidh*) his garment to the other, and neither of them examines the garment of the other."

[٣٨٠٥] ٢-(...) **وحَدَّثَنِي** مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ عَنْ عَطَاءِ بْنِ مِينَآءَ؛ أَنَّهُ سَمِعَهُ يُحَدِّثُ عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: نُهِيَ عَنْ بَيْعَتَيْنِ: الْمُلَامَسَةِ وَالْمُنَابَذَةِ، أَمَّا الْمُلَامَسَةُ: فَأَنْ يَلْمِسَ كُلُّ وَاحِدٍ مِنْهُمَا ثَوْبَ صَاحِبِهِ بِغَيْرِ تَأَمُّلٍ، وَالْمُنَابَذَةُ: أَنْ يَنْبِذَ كُلُّ وَاحِدٍ مِنْهُمَا ثَوْبَهُ إِلَىٰ الْآخَرِ، وَلَمْ يَنْظُرْ وَاحِدٌ مِنْهُمَا إِلَىٰ ثَوْبِ صَاحِبِهِ.

**[3806] 3 - (1512)** Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ forbade two kinds of sales and two kinds of dressing to us. He forbade *Mulâmasah* and *Munâbadhah* transactions. *Mulâmasah* is when a man touches the garment of another with his

[٣٨٠٦] ٣-(١٥١٢) **وحَدَّثَنِي** أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ - وَاللَّفْظُ لِحَرْمَلَةَ - قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي عَامِرُ بْنُ سَعْدِ بْنِ أَبِي وَقَّاصٍ: أَنَّ أَبَا

hand, by night or by day, and he does not examine it any more than that. *Munâbadhah* is when a man throws his garment to another man, and the other man throws his garment to him, and this is how the transaction is done, without examining and without being pleased (with the item)."

سَعِيدٍ الْخُدْرِيَّ قَالَ: نَهَانَا رَسُولُ اللهِ ﷺ عَنْ بَيْعَتَيْنِ وَلِبْسَتَيْنِ: نَهَىٰ عَنِ الْمُلَامَسَةِ وَالْمُنَابَذَةِ فِي الْبَيْعِ، وَالْمُلَامَسَةُ: لَمْسُ الرَّجُلِ ثَوْبَ الْآخَرِ بِيَدِهِ بِاللَّيْلِ أَوْ بِالنَّهَارِ، وَلَا يَقْلِبُهُ إِلَّا بِذٰلِكَ، وَالْمُنَابَذَةُ: أَنْ يَنْبِذَ الرَّجُلُ إِلَى الرَّجُلِ بِثَوْبِهِ وَيَنْبِذَ الْآخَرُ إِلَيْهِ ثَوْبَهُ، وَيَكُونُ ذٰلِكَ بَيْعَهُمَا عَنْ غَيْرِ نَظَرٍ وَلَا تَرَاضٍ.

**[3807] (...)** It was narrated from Ibn Shihâb (a *Hadîth* similar to no. 3806 with a different chain of narrators).

**[٣٨٠٧] (...) وَحَدَّثَنِيهِ** عَمْرٌو النَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ بِهٰذَا الْإِسْنَادِ.

## Chapter 2. The Invalidity Of *Hasâh* Transactions And Transactions Involving Ambiguity

## (المعجم ٢) - (بَابُ بطلان بيع الحصاة والبيع الذي فيه غرر) (التحفة ٢)

**[3808] 4 - (1513)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade *Hasâh* transactions[1] and transactions involving ambiguity.

**[٣٨٠٨] ٤-(١٥١٣) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللهِ ابْنُ إِدْرِيسَ وَيَحْيَى بْنُ سَعِيدٍ وَأَبُو أُسَامَةَ، عَنْ عُبَيْدِ اللهِ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عُبَيْدِ اللهِ: حَدَّثَنِي أَبُو الزِّنَادِ عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ الْحَصَاةِ، وَعَنْ بَيْعِ الْغَرَرِ.

[1] Those that involve throwing stones, and based upon where they land a deal is finalized.

## Chapter 3. The Prohibition Of Selling *Habl Al-Habalah*[1]

(المعجم ٣) - (بَابُ تحريم بيع حبل الحبلة) (التحفة ٣)

**[3809] 5 - (1514)** It was narrated from 'Abdullâh that the Messenger of Allâh ﷺ forbade selling *Habl Al-Habalah*.

[٣٨٠٩] ٥-(١٥١٤) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ وَمُحَمَّدُ بْنُ رُمْحٍ قَالَا: أَخْبَرَنَا اللَّيْثُ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ عَنْ رَسُولِ اللهِ ﷺ؛ أَنَّهُ نَهَىٰ عَنْ بَيْعِ حَبَلِ الْحَبَلَةِ.

**[3810] 6 - (...)** It was narrated that Ibn 'Umar said: "During the *Jâhiliyyah*, people used to sell the meat of camels up to *Habl Al-Habalah*. *Habl Al-Habalah* means that the she-camel gives birth, then the one that she bore becomes pregnant. The Messenger of Allâh ﷺ forbade that."

[٣٨١٠] ٦-(...) وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ - وَاللَّفْظُ لِزُهَيْرٍ - قَالَا: حَدَّثَنَا يَحْيَىٰ وَهُوَ الْقَطَّانُ، عَنْ عُبَيْدِ اللهِ: أَخْبَرَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ قَالَ: كَانَ أَهْلُ الْجَاهِلِيَّةِ يَتَبَايَعُونَ لَحْمَ الْجَزُورِ إِلَىٰ حَبَلِ الْحَبَلَةِ وَحَبَلُ الْحَبَلَةِ: أَنْ تُنْتَجَ النَّاقَةُ ثُمَّ تَحْمِلَ الَّتِي نُتِجَتْ، فَنَهَاهُمْ رَسُولُ اللهِ ﷺ عَنْ ذٰلِكَ.

## Chapter 4. The Prohibition Of Urging A Buyer To Cancel A Purchase In Order To Sell Him One's Own Goods And Urging A Seller To Cancel A Sale Already Agreed Upon So That One Can Buy The Goods Oneself; And The Prohibition Of Artificially Inflating Prices; And The Prohibition Of Letting Milk Accumulate In The Udder In Order To Deceive The Purchaser

(المعجم ٤) - (بَابُ تحريم بيع الرجل على بيع أخيه، وسومه على سومه، وتحريم النجش، وتحريم التصرية) (التحفة ٤)

**[3811] 7 - (1412)** It was

[٣٨١١] ٧-(١٤١٢) حَدَّثَنَا يَحْيَى

[1] *Habl Al-Habalah* means selling the offspring of the offspring that is still in the womb of the camel being sold.

ابْنُ يَحْيَىٰ: قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَبِيعُ بَعْضُكُمْ عَلَىٰ بَيْعِ بَعْضٍ».

[راجع: ٣٤٥٤]

narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "Do not urge a buyer to cancel a purchase in order to sell him your own goods."

[٣٨١٢] **٨-(...) حَدَّثَنَا** زُهَيْرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ - وَاللَّفْظُ لِزُهَيْرٍ - قَالَا: حَدَّثَنَا يَحْيَىٰ عَنْ عُبَيْدِ اللهِ: أَخْبَرَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَبِيعُ الرَّجُلُ عَلَىٰ بَيْعِ أَخِيهِ، وَلَا يَخْطُبُ عَلَىٰ خِطْبَةِ أَخِيهِ، إِلَّا أَنْ يَأْذَنَ لَهُ».

**[3812] 8 - (...)** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "No man should urge a buyer to cancel a purchase with his brother in order to sell him his own goods; or propose marriage to a woman to whom his brother has already proposed, unless he gives him permission."

[٣٨١٣] **٩-(١٥١٥) حَدَّثَنَا** يَحْيَى ابْنُ أَيُّوبَ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَابْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ، عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَسُمِ الْمُسْلِمُ عَلَىٰ سَوْمِ الْمُسْلِمِ».

**[3813] 9 - (1515)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "No Muslim should urge a seller to cancel a sale to another Muslim that is already agreed upon so as to buy the goods himself."

[٣٨١٤] **١٠-(...) وَحَدَّثَنِيهِ** أَحْمَدُ ابْنُ إِبْرَاهِيمَ الدَّوْرَقِيُّ: حَدَّثَنِي عَبْدُ الصَّمَدِ: حَدَّثَنَا شُعْبَةُ عَنِ الْعَلَاءِ وَسُهَيْلٍ، عَنْ أَبِيهِمَا، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ؛ وَحَدَّثَنَاهُ مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الصَّمَدِ: حَدَّثَنَا شُعْبَةُ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي

**[3814] 10 - (...)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade a man to urge someone to cancel a sale already agreed upon so that he can buy the goods himself.

هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ؛ وَحَدَّثَنَا عُبَيْدُ اللهِ ابْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ عَدِيٍّ وَهُوَ ابْنُ ثَابِتٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ أَنْ يَسْتَامَ الرَّجُلُ عَلَىٰ سَوْمِ أَخِيهِ، وَفِي رِوَايَةِ الدَّوْرَقِيِّ: عَلَىٰ سِيمَةِ أَخِيهِ.

**[3815] 11 - (...)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Do not go out to intercept the riders for trade, do not urge a buyer to cancel a purchase already agreed upon in order to sell him your own goods, do not artificially inflate prices; no town-dweller should sell on behalf of a Bedouin; and do not let milk accumulate in the udders of camels and sheep. Whoever buys them after that, he has the choice between two things, after he milks them: if he likes, he may keep them, and if he likes, he may return them along with a *Ṣâ'* of dates."

**[٣٨١٥] ١١-(...) وَحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يُتَلَقَّى الرُّكْبَانُ لِبَيْعٍ، وَلَا يَبِعْ بَعْضُكُمْ عَلَىٰ بَيْعِ بَعْضٍ، وَلَا تَنَاجَشُوا، وَلَا يَبِيعُ حَاضِرٌ لِبَادٍ، وَلَا تُصَرُّوا الْإِبِلَ وَالْغَنَمَ، فَمَنِ ابْتَاعَهَا بَعْدَ ذٰلِكَ فَهُوَ بِخَيْرِ النَّظَرَيْنِ، بَعْدَ أَنْ يَحْلُبَهَا، فَإِنْ رَضِيَهَا أَمْسَكَهَا، وَإِنْ سَخِطَهَا رَدَّهَا وَصَاعًا مِنْ تَمْرٍ».

**[3816] 12 - (...)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ forbade intercepting the riders, and he forbade town-dwellers to sell on behalf of Bedouin, (and he forbade) a woman to ask for the divorce of her sister, (and he forbade) artificial inflation of prices and allowing milk to accumulate in the udders, (and

**[٣٨١٦] ١٢-(...) حَدَّثَنَا** عُبَيْدُ اللهِ ابْنُ مُعَاذٍ الْعَنْبَرِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ عَدِيٍّ وَهُوَ ابْنُ ثَابِتٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ التَّلَقِّي [لِلرُّكْبَانِ]، وَأَنْ يَبِيعَ حَاضِرٌ لِبَادٍ، وَأَنْ تَسْأَلَ الْمَرْأَةُ طَلَاقَ

he forbade) a man from urging a seller to cancel a sale already agreed upon with his brother, so as to buy the goods himself.

أُخْتِهَا، وَعَنِ النَّجْشِ وَالتَّصْرِيَةِ، وَأَنْ يَسْتَامَ الرَّجُلُ عَلَىٰ سَوْمِ أَخِيهِ.

**[3817]** **(...)** Shu'bah narrated with this chain (a *Hadîth* similar to no. 3816) that - according to the *Hadîth* of Ghundar and Wahb, "it was forbidden;" and according to the *Hadîth* of 'Abdus-Samad; "The Messenger of Allâh ﷺ forbade..." a *Hadîth* like that of Mu'âdh from Shu'bah.

[٣٨١٧] (. . .) **وَحَدَّثَنِيهِ** أَبُو بَكْرِ بْنُ نَافِعٍ: حَدَّثَنَا غُنْدَرٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ؛ وَحَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنَا أَبِي، قَالُوا جَمِيعًا: حَدَّثَنَا شُعْبَةُ بِهَٰذَا الْإِسْنَادِ - فِي حَدِيثِ غُنْدَرٍ وَوَهْبٍ: نُهِيَ، وَفِي حَدِيثِ عَبْدِ الصَّمَدِ: أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ - بِمِثْلِ حَدِيثِ مُعَاذٍ عَنْ شُعْبَةَ.

**[3818]** **13 - (1516)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade artificial inflation of prices.

[٣٨١٨] **١٣-(١٥١٦)** **وَحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ النَّجْشِ.

## Chapter 5. The Prohibition Of Intercepting Traders

## (المعجم ٥) - (بَابُ تحريم تلقي الجلب) (التحفة ٥)

**[3819]** **14 - (1517)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade intercepting traders until they reach the markets with their goods. This is the wording of Ibn Numair.

[٣٨١٩] **١٤-(١٥١٧)** **حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا يَحْيَىٰ يَعْنِي ابْنَ سَعِيدٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي، كُلُّهُمْ عَنْ عُبَيْدِ اللهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ أَنْ يُتَلَقَّى السِّلَعُ حَتَّىٰ تَبْلُغَ الْأَسْوَاقَ. وَهَٰذَا لَفْظُ

ابْنِ نُمَيْرٍ، وَقَالَ الْآخَرَانِ: إِنَّ النَّبِيَّ ﷺ نَهَىٰ عَنِ التَّلَقِّي.

[٣٨٢٠] (...) [و]حَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ وَإِسْحَٰقُ بْنُ مَنْصُورٍ، جَمِيعًا عَنِ ابْنِ مَهْدِيٍّ، عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ ابْنِ نُمَيْرٍ عَنْ عُبَيْدِ اللهِ.

**[3820] (...)** A *Ḥadîth* like that of Ibn Numair (no. 3819) from 'Ubaidullâh was narrated from Ibn 'Umar from the Prophet ﷺ.

[٣٨٢١] ١٥-(١٥١٨) وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللهِ ابْنُ الْمُبَارَكِ عَنِ التَّيْمِيِّ، عَنْ أَبِي عُثْمَانَ، عَنْ عَبْدِ اللهِ عَنِ النَّبِيِّ ﷺ أَنَّهُ نَهَىٰ عَنْ تَلَقِّي الْبُيُوعِ.

**[3821] 15 - (1518)** It was narrated from 'Abdullâh from the Prophet ﷺ that he forbade intercepting people with their goods before they reached the market.

[٣٨٢٢] ١٦-(١٥١٩) حَدَّثَنَا يَحْيَىٰ ابْنُ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمٌ عَنْ هِشَامٍ، عَنِ ابْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ أَنْ يُتَلَقَّى الْجَلَبُ.

**[3822] 16 - (1519)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade intercepting incoming merchants."

[٣٨٢٣] ١٧-(...) حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا هِشَامُ بْنُ سُلَيْمَانَ عَنِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي هِشَامٌ الْقُرْدُوسِيُّ عَنِ ابْنِ سِيرِينَ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: إِنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تَلَقَّوُا الْجَلَبَ، فَمَنْ تَلَقَّىٰ فَاشْتَرَىٰ مِنْهُ، فَإِذَا أَتَىٰ سَيِّدُهُ السُّوقَ، فَهُوَ بِالْخِيَارِ».

**[3823] 17 - (...)** Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not intercept incoming merchants. Whoever intercepts them and buys from them, when the owner of the merchandise reaches the market, he has the choice.'"

## Chapter 6. The Prohibition Of The Town-Dweller Selling On Behalf Of A Bedouin

(المعجم ٦) - (بَابُ تحريم بيع الحاضر للبادي) (التحفة ٦)

**[3824] 18 - (1520)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "No town-dweller should sell on behalf of a Bedouin."

Zuhair said: "It was narrated from the Prophet ﷺ that he forbade town-dwellers to sell on behalf of Bedouins."

[٣٨٢٤] ١٨-(١٥٢٠) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَزُهَيْرُ بْنُ حَرْبٍ قَالُوا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ يَبْلُغُ بِهِ النَّبِيَّ ﷺ، قَالَ: «لَا يَبِيعُ حَاضِرٌ لِبَادٍ».

وَقَالَ زُهَيْرٌ: عَنِ النَّبِيِّ ﷺ؛ أَنَّهُ نَهَىٰ أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ.

**[3825] 19 - (1521)** It was narrated from Ibn Ṭâwûs, from his father, from Ibn 'Abbâs who said: "The Messenger of Allâh ﷺ forbade intercepting the riders, and for a town dweller to sell on behalf of a Bedouin."

He said: "I said to Ibn 'Abbâs: 'What does it mean, "for a town dweller to sell on behalf of a Bedouin?" He said: 'He should not act as a broker for him.'"

[٣٨٢٥] ١٩-(١٥٢١) وحَدَّثَنَا إِسْحٰقُ بْنُ إِبْرَاهِيمَ وعَبْدُ بْنُ حُمَيْدٍ قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ أَنْ يُتَلَقَّى الرُّكْبَانُ، وَأَنْ يَبِيعَ حَاضِرٌ لِبَادٍ.

قَالَ: فَقُلْتُ لِابْنِ عَبَّاسٍ: مَا قَوْلُهُ: حَاضِرٌ لِبَادٍ؟ قَالَ: لَا يَكُنْ لَهُ سِمْسَارًا.

**[3826] 20 - (1522)** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ said: 'A town-dweller should not sell on behalf of a Bedouin. Let the people be, and Allâh will provide for them by means of one another.'"

[٣٨٢٦] ٢٠-(١٥٢٢) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا أَبُو خَيْثَمَةَ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ؛ وَحَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَبِيعُ حَاضِرٌ لِبَادٍ، دَعُوا النَّاسَ يَرْزُقِ اللهُ

بَعْضَهُمْ مِنْ بَعْضٍ». غَيْرَ أَنَّ فِي رِوَايَةِ يَحْيَىٰ: «يُرْزَقُ».

[3827] (...) A similar report (as no. 3826) was narrated from Jâbir, from the Prophet ﷺ.

**[٣٨٢٧] (...)** وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

**[3828] 21 - (1523)** It was narrated that Anas bin Mâlik said: "We were forbidden that a town-dweller should sell on behalf of a Bedouin, even if he was his brother or father."

**[٣٨٢٨] ٢١-(١٥٢٣)** [و]حَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمٌ عَنْ يُونُسَ، عَنِ ابْنِ سِيرِينَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: نُهِينَا أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ، وَإِنْ كَانَ أَخَاهُ أَوْ أَبَاهُ.

**[3829] 22 - (...)** Anas bin Mâlik said: "We were forbidden that a town-dweller should sell for a Bedouin."

**[٣٨٢٩] ٢٢-(...)** حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنِ ابْنِ عَوْنٍ، عَنْ مُحَمَّدٍ، عَنْ أَنَسٍ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُعَاذٌ: حَدَّثَنَا ابْنُ عَوْنٍ عَنْ مُحَمَّدٍ قَالَ: قَالَ أَنَسُ بْنُ مَالِكٍ: نُهِينَا عَنْ أَنْ يَبِيعَ حَاضِرٌ لِبَادٍ.

## Chapter 7. Ruling On Selling *Al-Muṣarrâh* (An Animal In Whose Udder Milk Has Been Allowed To Accumulate)

## (المعجم ٧) - (بَابُ حكم بيع المصراة) (التحفة ٧)

**[3830] 23 - (1524)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever buys a sheep in whose udder milk has been allowed to accumulate, let him take it and milk it. If he is pleased with its

**[٣٨٣٠] ٢٣-(١٥٢٤)** حَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا دَاوُدُ بْنُ قَيْسٍ عَنْ مُوسَى بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ اشْتَرَىٰ

milk, he may keep it, otherwise he may return it along with a *Ṣâ'* of dates.'"

شَاةً مُصَرَّاةً فَلْيَنْقَلِبْ بِهَا، فَلْيَحْلُبْهَا، فَإِنْ رَضِيَ حِلَابَهَا أَمْسَكَهَا، وَإِلَّا رَدَّهَا وَمَعَهَا صَاعٌ مِنْ تَمْرٍ».

[3831] 24 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever buys a sheep in whose udder milk has been allowed to accumulate, has the choice for three days: if he wishes he may keep it, or if he wishes he may return it along with a *Ṣâ'* of dates."

[٣٨٣١] ٢٤-(...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَٰنِ الْقَارِيَّ، عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ ابْتَاعَ شَاةً مُصَرَّاةً فَهُوَ فِيهَا بِالْخِيَارِ ثَلَاثَةَ أَيَّامٍ، إِنْ شَاءَ أَمْسَكَهَا وَإِنْ شَاءَ رَدَّهَا، وَرَدَّ مَعَهَا صَاعًا مِنْ تَمْرٍ».

[3832] 25 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever buys a sheep in whose udder milk has been allowed to accumulate has the choice for three days. If he returns it he should give a *Ṣâ'* of food along with it, but not wheat."

[٣٨٣٢] ٢٥-(...) حَدَّثَنَا مُحَمَّدُ ابْنُ عَمْرِو بْنِ جَبَلَةَ بْنِ أَبِي رَوَّادٍ: حَدَّثَنَا أَبُو عَامِرٍ يَعْنِي الْعَقَدِيَّ: حَدَّثَنَا قُرَّةُ عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنِ اشْتَرَىٰ شَاةً مُصَرَّاةً فَهُوَ بِالْخِيَارِ ثَلَاثَةَ أَيَّامٍ، فَإِنْ رَدَّهَا رَدَّ مَعَهَا صَاعًا مِنْ طَعَامٍ، لَا سَمْرَاءَ».

[3833] 26 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever buys a sheep in whose udder milk has been allowed to accumulate has the choice of two things: If he wishes he may keep it, and if he wishes he may return it, along with a *Ṣâ'* of dates, but not wheat.'"

[٣٨٣٣] ٢٦-(...) حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ اشْتَرَىٰ شَاةً مُصَرَّاةً فَهُوَ بِخَيْرِ النَّظَرَيْنِ، إِنْ شَاءَ أَمْسَكَهَا، وَإِنْ شَاءَ رَدَّهَا، وَصَاعًا مِنْ تَمْرٍ، لَا سَمْرَاءَ».

**[3834] 27 - (...)** It was narrated from Ayyûb with this chain (a *Ḥadîth* similar to no. 3834), except that he said: "Whoever buys sheep has the choice..."

[٣٨٣٤] ٢٧-(...) وحَدَّثَنَاه ابْنُ أَبِي عُمَرَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ عَنْ أَيُّوبَ بِهَٰذَا الْإِسْنَادِ، غَيْرَ أَنَّهُ قَالَ: «مَنِ اشْتَرَىٰ مِنَ الْغَنَمِ فَهُوَ بِالْخِيَارِ».

**[3835] 28 - (...)** It was narrated that Hammâm bin Munabbih said: "This is what Abû Hurairah narrated to us from the Messenger of Allâh ﷺ." He mentioned a number of *Aḥadîth*, including the following: "The Messenger of Allâh ﷺ said: 'If one of you buys a milch-camel in whose udder milk has been allowed to accumulate, or a sheep in whose udder milk has been allowed to accumulate, he has the choice of two things after milking it: either keeping it or returning it along with a *Ṣâ'* of dates.'"

[٣٨٣٥] ٢٨-(...) حَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَٰذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ، فَذَكَرَ أَحَادِيثَ، مِنْهَا وَقَالَ رَسُولُ اللهِ ﷺ: «إِذَا مَا أَحَدُكُمُ اشْتَرَىٰ لِقْحَةً مُصَرَّاةً أَوْ شَاةً مُصَرَّاةً، فَهُوَ بِخَيْرِ النَّظَرَيْنِ بَعْدَ أَنْ يَحْلُبَهَا، إِمَّا هِيَ، وَإِلَّا فَلْيَرُدَّهَا وَصَاعًا مِنْ تَمْرٍ».

## Chapter 8. It Is Invalid To Sell Goods Before Taking Possession Of Them

(المعجم ٨) - **(بَابُ بطلان بيع المبيع قبل القبض)** (التحفة ٨)

**[3836] 29 - (1525)** It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ said: "Whoever buys some food, let him not sell it until he has received it in full."

Ibn 'Abbâs said: "I think that all things are like this (i.e. it applies to all transactions)."

[٣٨٣٦] ٢٩-(١٥٢٥) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ: أَخْبَرَنَا حَمَّادُ بْنُ زَيْدٍ؛ وَحَدَّثَنَا أَبُو الرَّبِيعِ الْعَتَكِيُّ وَقُتَيْبَةُ قَالَا: حَدَّثَنَا حَمَّادٌ عَنْ عَمْرِو ابْنِ دِينَارٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ ابْتَاعَ طَعَامًا فَلَا يَبِعْهُ حَتَّى يَسْتَوْفِيَهُ».

قَالَ ابْنُ عَبَّاسٍ: وَأَحْسِبُ كُلَّ شَيْءٍ مِثْلَهُ.

**[3837]** **(...)** A similar report (as no. 3836) was narrated from 'Amr bin Dînâr with this chain.

[٣٨٣٧] ( . . . ) **وَحَدَّثَنَا** ابنُ أَبِي عُمَرَ وأَحْمَدُ بْنُ عَبْدَةَ قَالَا: حَدَّثَنَا سُفْيَانُ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ وَ هُوَ الثَّوْرِيُّ، كِلَاهُمَا عَنْ عَمْرِو بْنِ دِينَارٍ، بِهَٰذَا الْإِسْنَادِ نَحْوَهُ.

**[3838]** **30** - **(...)** It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'Whoever buys food, let him not sell it until he has taken possession of it.'"

Ibn 'Abbâs said: "I think that everything is like food."

[٣٨٣٨] **٣٠**-( . . . ) **حَدَّثَنَا** إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ - قَالَ ابْنُ رَافِعٍ: حَدَّثَنَا، وَقَالَ الْآخَرَانِ: أَخْبَرَنَا - عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ ابْتَاعَ طَعَامًا فَلَا يَبِعْهُ حَتَّىٰ يَقْبِضَهُ».

قَالَ ابْنُ عَبَّاسٍ: وَأَحْسِبُ كُلَّ شَيْءٍ بِمَنْزِلَةِ الطَّعَامِ.

**[3839]** **31** - **(...)** It was narrated from Ibn Ṭâwûs, from his father, from Ibn 'Abbâs who said: "The Messenger of Allâh ﷺ said: 'Whoever buys food, he should not sell it until he has measured it.'"

I said to Ibn 'Abbâs: "Why?" He said: "Don't you see that they are exchanging gold, but the delivery of food is delayed?"

[٣٨٣٩] **٣١**-( . . . ) **حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - قَالَ إِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - وَكِيعٌ عَنْ سُفْيَانَ، عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ، قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ ابْتَاعَ طَعَامًا فَلَا يَبِعْهُ حَتَّىٰ يَكْتَالَهُ».

فَقُلْتُ لِابْنِ عَبَّاسٍ: لِمَ؟ فَقَالَ: أَلَا تَرَاهُمْ يَبْتَاعُونَ بِالذَّهَبِ، وَالطَّعَامُ مُرْجًا؟.

وَلَمْ يَقُلْ أَبُو كُرَيْبٍ: مُرْجًا.

**[3840] 32 - (1526)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "Whoever buys foodstuff should not sell it until he has received it in full."

**[٣٨٤٠] ٣٢-(١٥٢٦) حَدَّثَنَا** عَبْدُ اللهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ: حَدَّثَنَا مَالِكٌ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ ابْتَاعَ طَعَامًا فَلَا يَبِعْهُ حَتَّىٰ يَسْتَوْفِيَهُ». [انظر: ٣٨٤٢، ٣٨٤٤]

**[3841] 33 - (1527)** It was narrated that Ibn 'Umar said: "At the time of the Messenger of Allâh ﷺ we used to buy food, and someone would be sent to us to tell us to move it from the place where we had bought it to another place before we sell it."

**[٣٨٤١] ٣٣-(١٥٢٧) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: كُنَّا فِي زَمَانِ رَسُولِ اللهِ ﷺ نَبْتَاعُ الطَّعَامَ، فَيَبْعَثُ عَلَيْنَا مَنْ يَأْمُرُنَا بِانْتِقَالِهِ مِنَ الْمَكَانِ الَّذِي ابْتَعْنَاهُ فِيهِ، إِلَىٰ مَكَانٍ سِوَاهُ، قَبْلَ أَنْ نَبِيعَهُ. [انظر: ٣٨٤٣، ٣٨٤٦]

**[3842] 34 - (1526)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "Whoever buys food should not sell it until he has received it in full."

**[٣٨٤٢] ٣٤-(١٥٢٦) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ عُبَيْدِ اللهِ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ اشْتَرَىٰ طَعَامًا فَلَا يَبِعْهُ حَتَّىٰ يَسْتَوْفِيَهُ». [راجع: ٣٨٤٠]

**[3843] (1527)** He (i.e. Ibn 'Umar) said: "We used to buy food from the riders without measure, but the Messenger of Allâh ﷺ forbade us to sell it until we had moved it from its place."

**[٣٨٤٣] (١٥٢٧) قَالَ:** وَكُنَّا نَشْتَرِي الطَّعَامَ مِنَ الرُّكْبَانِ جِزَافًا، فَنَهَانَا رَسُولُ اللهِ ﷺ أَنْ نَبِيعَهُ حَتَّىٰ نَنْقُلَهُ مِنْ مَكَانِهِ. [راجع: ٣٨٤١]

**[3844] 35 - (1526)** It was narrated from 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ said: "Whoever buys food, he should not sell it until he has received it in full and taken possession of it."

**[٣٨٤٤] ٣٥-(١٥٢٦) حَدَّثَنِي** حَرْمَلَةُ بْنُ يَحْيَى: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: حَدَّثَنِي عُمَرُ بْنُ مُحَمَّدٍ عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ اشْتَرَى طَعَامًا فَلَا يَبِعْهُ حَتَّىٰ يَسْتَوْفِيَهُ وَيَقْبِضَهُ». [راجع: ٣٨٤٠]

**[3845] 36 - (...)** It was narrated from 'Abdullâh bin Dînâr that he heard Ibn 'Umar say: "The Messenger of Allâh ﷺ said: 'Whoever buys food, he should not sell it until he takes possession of it.'"

**[٣٨٤٥] ٣٦-(. . .) وَحَدَّثَنَا يَحْيَى** ابْنُ يَحْيَىٰ وعَلِيُّ بْنُ حُجْرٍ - قَالَ يَحْيَىٰ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ، وَقَالَ عَلِيٌّ: حَدَّثَنَا إِسْمَاعِيلُ-، عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ ابْتَاعَ طَعَامًا فَلَا يَبِعْهُ حَتَّىٰ يَقْبِضَهُ».

**[3846] 37 - (1527)** It was narrated from Ibn 'Umar that they would be beaten at the time of the Messenger of Allâh ﷺ if they bought food without measure then sold it on the spot, unless they moved it.

**[٣٨٤٦] ٣٧-(١٥٢٧) حَدَّثَنَا أَبُو** بَكرِ بْنِ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ أَنَّهُمْ كَانُوا يُضْرَبُونَ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، إِذَا اشْتَرَوْا طَعَامًا جِزَافًا، أَنْ يَبِيعُوهُ فِي مَكَانِهِ حَتَّىٰ يُحَوِّلُوهُ. [راجع: ٣٨٤١]

**[3847] 38 - (...)** Sâlim bin 'Abdullâh narrated that his father said: "I saw the people at the time of the Messenger of Allâh ﷺ being beaten if they bought food without measure then sold it on the spot, unless they took it to their own places."

**[٣٨٤٧] ٣٨-(. . .) حَدَّثَنِي حَرْمَلَةُ** ابْنُ يَحْيَىٰ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللهِ؛ أَنَّ أَبَاهُ قَالَ: [قَدْ] رَأَيْتُ النَّاسَ فِي عَهْدِ رَسُولِ اللهِ ﷺ، إِذَا ابْتَاعُوا طَعَامًا

جِزَافًا، يُضْرَبُونَ [فِي] أَنْ يَبِيعُوهُ فِي مَكَانِهِمْ ذٰلِكَ، حَتَّىٰ يُؤْوُوهُ إِلَىٰ رِحَالِهِمْ.

قَالَ ابْنُ شِهَابٍ: وَحَدَّثَنِي عُبَيْدُ اللهِ بْنُ عَبْدِ اللهِ بْنِ عُمَرَ؛ أَنَّ أَبَاهُ كَانَ يَشْتَرِي الطَّعَامَ جِزَافًا، فَيَحْمِلُهُ إِلَىٰ أَهْلِهِ.

Ibn Shihâb said: "'Ubaidullâh bin 'Abdullâh bin 'Umar told me that his father used to buy food without measure then take it to his family."

[٣٨٤٨] ٣٩-(١٥٢٨) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَابْنُ نُمَيْرٍ وَأَبُو كُرَيْبٍ قَالُوا: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ عَنِ الضَّحَّاكِ ابْنِ عُثْمَانَ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللهِ بْنِ الْأَشَجِّ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ اشْتَرَىٰ طَعَامًا فَلَا يَبِعْهُ حَتَّىٰ يَكْتَالَهُ».

وَفِي رِوَايَةِ أَبِي بَكْرٍ: «مَنِ ابْتَاعَ».

**[3848] 39 - (1528)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever buys food, let him not sell it until he has measured it."

[٣٨٤٩] ٤٠-(...) حَدَّثَنَا إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ الْحَارِثِ الْمَخْزُومِيُّ: حَدَّثَنَا الضَّحَّاكُ بْنُ عُثْمَانَ عَنْ بُكَيْرِ بْنِ عَبْدِ اللهِ بْنِ الْأَشَجِّ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ لِمَرْوَانَ: أَحْلَلْتَ بَيْعَ الرِّبَا، فَقَالَ مَرْوَانُ: مَا فَعَلْتُ، فَقَالَ أَبُو هُرَيْرَةَ: أَحْلَلْتَ بَيْعَ الصِّكَاكِ، وَقَدْ نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ الطَّعَامِ حَتَّىٰ يُسْتَوْفَىٰ. [قَالَ]: فَخَطَبَ مَرْوَانُ النَّاسَ، فَنَهَىٰ عَنْ بَيْعِهَا.

**[3849] 40 - (...)** It was narrated from Abû Hurairah that he said to Marwân: "Have you made permissible a transaction involving *Ribâ*?" Marwân said: "I have not done that." Abû Hurairah said: "You have allowed selling *Ṣakk*.[1] The Messenger of Allâh ﷺ forbade selling food until it has been received in full." Then Marwân addressed the people and forbade such transactions.

Sulaimân said: "I saw the guards collecting them from the hands of the people."

[1] *Ṣakk:* A letter from the ruler ordering that food and other items be given to the holder of the letter.

قَالَ سُلَيْمَانُ: فَنَظَرْتُ إِلَىٰ حَرَسٍ يَأْخُذُونَهَا مِنْ أَيْدِي النَّاسِ.

[٣٨٥٠] ٤١-(١٥٢٩) حَدَّثَنَا إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا رَوْحٌ: أَخْبَرَنِي ابْنُ جُرَيْجٍ: حَدَّثَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ ابْنَ عَبْدِ اللهِ يَقُولُ: كَانَ رَسُولُ اللهِ ﷺ يَقُولُ: «إِذَا ابْتَعْتَ طَعَامًا، فَلَا تَبِعْهُ حَتَّىٰ تَسْتَوْفِيَهُ».

**[3850] 41 - (1529)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ used to say: "When you buy foodstuff, do not sell it until you have received it in full."

(المعجم ٩) - **(بَابُ تحريم بيع صبرة التمر المجهولة القدر بتمر)** (التحفة ٩)

## Chapter 9. The Prohibition Of Selling A Heap Of Dates The Weight Of Which Is Unknown

[٣٨٥١] ٤٢-(١٥٣٠) حَدَّثَنِي أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرِو بْنِ سَرْحٍ: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنِي ابْنُ جُرَيْجٍ؛ أَنَّ أَبَا الزُّبَيْرِ أَخْبَرَهُ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ الصُّبْرَةِ مِنَ التَّمْرِ لَا يُعْلَمُ مَكِيلُهَا، بِالْكَيْلِ الْمُسَمَّىٰ مِنَ التَّمْرِ.

**[3851] 42 - (1530)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade selling a heap of dates, the weight of which is unknown, for a known weight of dates."

[٣٨٥٢] (...) حَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا رَوْحُ [بْنُ عُبَادَةَ]: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ، أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: نَهَىٰ رَسُولُ اللهِ ﷺ، بِمِثْلِهِ غَيْرَ أَنَّهُ لَمْ يَذْكُرْ: مِنَ التَّمْرِ، فِي آخِرِ الْحَدِيثِ.

**[3852] (...)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade..." a similar report (as *Ḥadîth* no. 3851), except that he did not say "of dates" in the latter part of the *Ḥadîth*.

## Chapter 10. Affirming That Both Parties To A Transaction Have The Option (Of Canceling It) While They Are Still Together

## (المعجم ١٠) - (بَابُ ثبوت خيار المجلس للمتبايعين) (التحفة ١٠)

**[3853] 34 - (1531)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "Each party to a transaction has the option (of canceling it) so long as they have not separated, except in the case of *Bai' Al-Khiyâr*."[1]

[٣٨٥٣] ٤٣-(١٥٣١) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْبَيِّعَانِ، كُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ عَلَىٰ صَاحِبِهِ، مَا لَمْ يَتَفَرَّقَا، إِلَّا بَيْعَ الْخِيَارِ».

**[3854] (...)** A *Hadîth* similar to that of Mâlik from Nâfi' (no. 3853) was narrated from Ibn 'Umar, from the Prophet ﷺ.

[٣٨٥٤] (...) حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ ومُحَمَّدُ بْنُ الْمُثَنَّىٰ قَالَا: حَدَّثَنَا يَحْيَىٰ وَهُوَ الْقَطَّانُ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: أَخْبَرَنَا مُحَمَّدُ بْنُ بِشْرٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي، كُلُّهُمْ عَنْ عُبَيْدِ اللهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ وَعَلِيُّ بْنُ حُجْرٍ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ؛ وَحَدَّثَنَا أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ وَهُوَ ابْنُ زَيْدٍ، جَمِيعًا عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ وابْنُ أَبِي عُمَرَ قَالَا: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ:

[1] A transaction where both parties have chosen to agree upon a deal.

سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ؛ وَحَدَّثَنَا ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الضَّحَّاكُ، كِلَاهُمَا عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ مَالِكٍ عَنْ نَافِعٍ.

[٣٨٥٥] ٤٤-(...) وَحَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ ابْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قَالَ: «إِذَا تَبَايَعَ الرَّجُلَانِ فَكُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا وَكَانَا جَمِيعًا، أَوْ يُخَيِّرُ أَحَدُهُمَا الْآخَرَ، فَإِنْ خَيَّرَ أَحَدُهُمَا الْآخَرَ فَتَبَايَعَا عَلَىٰ ذٰلِكَ فَقَدْ وَجَبَ الْبَيْعُ، وَإِنْ تَفَرَّقَا بَعْدَ أَنْ تَبَايَعَا وَلَمْ يَتْرُكْ وَاحِدٌ مِنْهُمَا الْبَيْعَ، فَقَدْ وَجَبَ الْبَيْعُ».

**[3855] 44 - (...)** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "When two men enter into a transaction, each one of them has the option (of canceling) so long as they have not parted and are still together. But if one of them gives the other the choice to decide, then they agree on a deal, then it becomes binding. If they part after that and neither of them canceled it, then the transaction becomes binding."

[٣٨٥٦] ٤٥-(...) حَدَّثَنِي زُهَيْرُ ابْنُ حَرْبٍ وَابْنُ أَبِي عُمَرَ، كِلَاهُمَا عَنْ سُفْيَانَ - قَالَ زُهَيْرٌ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ - عَنِ ابْنِ جُرَيْجٍ قَالَ: أَمْلَىٰ عَلَيَّ نَافِعٌ؛ سَمِعَ عَبْدَ اللهِ بْنَ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «إِذَا تَبَايَعَ الْمُتَبَايِعَانِ بِالْبَيْعِ فَكُلُّ وَاحِدٍ مِنْهُمَا بِالْخِيَارِ مِنْ بَيْعِهِ مَا لَمْ يَتَفَرَّقَا، أَوْ يَكُونُ بَيْعُهُمَا عَنْ خِيَارٍ، فَإِذَا كَانَ بَيْعُهُمَا عَنْ خِيَارٍ فَقَدْ وَجَبَ».

**[3856] 45 - (...)** 'Abdullâh bin 'Umar said: "The Messenger of Allâh ﷺ said: 'When two parties enter into a transaction, each of them has the option of (canceling) the sale, so long as they have not parted, but if they chose to agree on a deal, then it becomes binding.'"

Ibn Abî 'Umar added in his report: "Nâfi' said: 'If he entered into a transaction with a man and intended not to let him off, he would get up and walk away for a while, then come back to him.'"

زَادَ ابْنُ أَبِي عُمَرَ فِي رِوَايَتِهِ: قَالَ نَافِعٌ: فَكَانَ إِذَا بَايَعَ رَجُلًا فَأَرَادَ أَنْ لَا يُقِيلَهُ، قَامَ فَمَشَىٰ هُنَيَّةً ثُمَّ رَجَعَ إِلَيْهِ.

[3857] 46 - (...) It was narrated from 'Abdullâh bin Dînâr that he heard Ibn 'Umar say: "The Messenger of Allâh ﷺ said: 'There is no deal between two parties until they part, unless they choose to agree on a deal.'"

[٣٨٥٧] ٤٦-(...) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ وَيَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ - قَالَ يَحْيَى [بْنُ يَحْيَىٰ]: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ: حَدَّثَنَا - إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ؛ أَنَّهُ سَمِعَ ابْنَ عُمَرَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «كُلُّ بَيِّعَيْنِ لَا بَيْعَ بَيْنَهُمَا حَتَّىٰ يَتَفَرَّقَا، إِلَّا بَيْعُ الْخِيَارِ».

## Chapter 11. Honesty In Selling And Disclosure Of Defects

## (المعجم ١١) - (بَابُ الصدق في البيع والبيان) (التحفة ١١)

[3858] 47 - (1532) It was narrated from Ḥakîm bin Ḥizâm that the Prophet ﷺ said: "The two parties to a transaction have the option (of canceling it) until they part. If they are honest and disclose any defects, their transaction will be blessed, but if they lie and conceal defects the blessing will be erased."

[٣٨٥٨] ٤٧-(١٥٣٢) حَدَّثَنَا [مُحَمَّدُ] بْنُ الْمُثَنَّىٰ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ شُعْبَةَ؛ وَحَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ وَعَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ قَالَا: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ أَبِي الْخَلِيلِ، عَنْ عَبْدِ اللهِ بْنِ الْحَارِثِ، عَنْ حَكِيمِ بْنِ حِزَامٍ عَنِ النَّبِيِّ ﷺ قَالَ: «الْبَيِّعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا، فَإِنْ صَدَقَا وَبَيَّنَا بُورِكَ لَهُمَا فِي بَيْعِهِمَا، وَإِنْ كَذَبَا وَكَتَمَا مُحِقَتْ بَرَكَةُ بَيْعِهِمَا».

**[3859] (...)** It was narrated that Abû At-Tayyâḥ said: "I heard 'Abdullâh bin Al-Ḥâri<u>th</u> narrating from Ḥakîm bin Ḥizâm from the Prophet ﷺ..." a similar report (as no. 3858).

Muslim bin Al-Ḥajjâj said: Ḥakîm bin Ḥizâm was born inside the Ka'bah and lived for one hundred and twenty years.

**[٣٨٥٩]** (. . .) **وَحَدَّثَنَا** عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا هَمَّامٌ عَنْ أَبِي التَّيَّاحِ قَالَ: سَمِعْتُ عَبْدَ اللهِ بْنَ الْحَارِثِ يُحَدِّثُ عَنْ حَكِيمِ ابْنِ حِزَامٍ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

**قَالَ** مُسْلِمُ بْنُ الْحَجَّاجِ: وُلِدَ حَكِيمُ ابْنُ حِزَامٍ فِي جَوْفِ الْكَعْبَةِ، وَعَاشَ مِائَةً وَعِشْرِينَ سَنَةً.

## Chapter 12. One Who Is Deceived In Transactions

## (المعجم ١٢) - (بَابُ من يخدع في البيع) (التحفة ١٢)

**[3860] 48 - (1533)** Ibn 'Umar said that a man told the Messenger of Allâh ﷺ that he was often deceived in transactions, and the Messenger of Allâh ﷺ said: "When you enter into a transaction, say: 'There should be no deceit.'"

So when he entered into a transaction he would say: "There should be no deceit."

**[٣٨٦٠] ٤٨-(١٥٣٣) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ وَيَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ - قَالَ يَحْيَى [بْنُ يَحْيَىٰ]: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ: حَدَّثَنَا - إِسْمَاعِيلُ بْنُ جَعْفَرٍ، عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ عُمَرَ يَقُولُ: ذَكَرَ رَجُلٌ لِرَسُولِ اللهِ ﷺ أَنَّهُ يُخْدَعُ فِي الْبُيُوعِ، فَقَالَ رَسُولُ اللهِ ﷺ «مَنْ بَايَعْتَ فَقُلْ: لَا خِلَابَةَ».

فَكَانَ إِذَا بَايَعَ يَقُولُ: لَا خِيَابَةَ.

**[3861] (...)** A similar report (as no. 3860) was narrated from 'Abdullâh bin Dînâr with this chain, but it does not say in their *Ḥadî<u>th</u>*: "When he entered into a

**[٣٨٦١]** (. . .) **حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُحَمَّدُ

transaction he would say: 'There should be no deceit.'"

ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ، كِلَاهُمَا عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ، بِهَٰذَا الْإِسْنَادِ مِثْلَهُ، وَلَيْسَ فِي حَدِيثِهِمَا: فَكَانَ إِذَا بَايَعَ يَقُولُ: لَا خِيَابَةَ.

## Chapter 13. The Prohibition Of Selling Produce Before Its Goodness Appears

## (المعجم ١٣) - (بَابُ النهي عن بيع الثمار قبل بدوّ صلاحها بغير شرط القطع) (التحفة ١٣)

**[3862] 49 - (1534)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade selling produce until its goodness appears. He forbade it for the seller and the buyer.

**[٣٨٦٢] ٤٩-(١٥٣٤) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ بَيْعِ الثِّمَارِ حَتَّىٰ يَبْدُوَ صَلَاحُهَا، نَهَى الْبَائِعَ وَالْمُبْتَاعَ. [انظر: ٣٨٦٥ و ٣٨٧٥]

**[3863] (...)** A similar report (as no. 3862) was narrated from Ibn 'Umar, from the Prophet ﷺ.

**[٣٨٦٣] (...) حَدَّثَنَا** ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

**[3864] 50 - (1535)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade selling the fruit of date palms until it began to develop color (turn yellow or red) and ears (of grain) until they turned white (having developed) and were free of blight. He forbade that to the seller and the buyer.

**[٣٨٦٤] ٥٠-(١٥٣٥) حَدَّثَنِي** عَلِيُّ ابْنُ حُجْرٍ السَّعْدِيُّ وَزُهَيْرُ بْنُ حَرْبٍ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ بَيْعِ النَّخْلِ حَتَّىٰ يَزْهُوَ، وَعَنِ السُّنْبُلِ حَتَّىٰ يَبْيَضَّ وَيَأْمَنَ الْعَاهَةَ، وَنَهَى الْبَائِعَ وَالْمُشْتَرِيَ.

**[3865] 51 - (1534)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Do not sell produce until its goodness appears and there is no longer any fear of blight.'"

He said: "Until its goodness appears means when it turns red or yellow."

[٣٨٦٥] **٥١-(١٥٣٤) حَدَّثَنِي** زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا جَرِيرٌ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تَبْتَاعُوا الثَّمَرَ حَتَّىٰ يَبْدُوَ صَلَاحُهُ وَتَذْهَبَ عَنْهُ الْآفَةُ».

قَالَ: يَبْدُوَ صَلَاحُهُ: حُمْرَتُهُ وَصُفْرَتُهُ.

[راجع: ٣٨٦٢]

**[3866] (...)** It was narrated from Yaḥyâ with this chain (a *Ḥadîth* similar to no. 3865), up to (the words); "until its goodness appears;" and he did not mention what comes after that.

[٣٨٦٦] (...) [و]**حَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ أَبِي عُمَرَ قَالَا: حَدَّثَنَا عَبْدُ الْوَهَّابِ عَنْ يَحْيَى بِهٰذَا الْإِسْنَادِ، حَتَّىٰ يَبْدُوَ صَلَاحُهُ، وَلَمْ يَذْكُرْ مَا بَعْدَهُ.

**[3867] (...)** A *Ḥadîth* like that of 'Abdul-Wahhâb (no. 3866) was narrated from Ibn 'Umar, from the Prophet ﷺ.

[٣٨٦٧] (...) **حَدَّثَنَا** ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الضَّحَّاكُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ عَبْدِ الْوَهَّابِ.

**[3868] (...)** A *Ḥadîth* like that of Mâlik and 'Ubaidullâh (nos. 3862, 3863) was narrated from Ibn 'Umar from the Prophet ﷺ.

[٣٨٦٨] (...) **حَدَّثَنَا** سُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا حَفْصُ بْنُ مَيْسَرَةَ: حَدَّثَنِي مُوسَى بْنُ عُقْبَةَ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ مَالِكٍ وَعُبَيْدِ اللهِ.

**[3869] 52 - (...)** It was narrated from 'Abdullâh bin Dînâr that he heard Ibn 'Umar say: "The Messenger of Allâh ﷺ said: 'Do not sell produce until its goodness appears.'"

[٣٨٦٩] **٥٢-(...) وَحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ وَيَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ - قَالَ يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ: حَدَّثَنَا - إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ، عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ أَنَّهُ

سَمِعَ ابْنَ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تَبِيعُوا الثَّمَرَ حَتَّىٰ يَبْدُوَ صَلَاحُهُ».

**[3870] (...)** It was narrated from 'Abdullâh bin Dînâr with this chain (a *Ḥadîth* similar to no 3869). In the *Ḥadîth* of Shu'bah it adds: "It was said to Ibn 'Umar: 'What does its goodness mean?' He said: 'When there is no more danger of blight.'"

[٣٨٧٠] (...) **وَحَدَّثَنِيهِ** زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ عَنْ سُفْيَانَ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ، كِلَاهُمَا عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ بِهَٰذَا الْإِسْنَادِ، وَزَادَ فِي حَدِيثِ شُعْبَةَ: فَقِيلَ لِابْنِ عُمَرَ: مَا صَلَاحُهُ؟ قَالَ: تَذْهَبُ عَاهَتُهُ.

**[3871] 53 - (1536)** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ forbade" - or "forbade us - selling fruits until they became good."

[٣٨٧١] **٥٣**-(١٥٣٦) **حَدَّثَنَا** يَحْيَىٰ ابْنُ يَحْيَىٰ: أَخْبَرَنَا أَبُو خَيْثَمَةَ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ؛ وَحَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: نَهَىٰ - أَوْ نَهَانَا - رَسُولُ اللهِ ﷺ عَنْ بَيْعِ الثَّمَرِ حَتَّىٰ يَطِيبَ. [انظر: ٣٩٠٨، ٣٩٣٢]

**[3872] 54 - (...)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade selling produce until its goodness appeared."

[٣٨٧٢] **٥٤**-(...) **حَدَّثَنَا** أَحْمَدُ ابْنُ عُثْمَانَ النَّوْفَلِيُّ: حَدَّثَنَا أَبُو عَاصِمٍ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ - وَاللَّفْظُ لَهُ - : حَدَّثَنَا رَوْحٌ قَالَا: حَدَّثَنَا زَكَرِيَّاءُ بْنُ إِسْحَٰقَ: حَدَّثَنَا عَمْرُو بْنُ دِينَارٍ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ الثَّمَرِ حَتَّىٰ يَبْدُوَ صَلَاحُهُ.

**[3873] 55 - (1537)** It was narrated that Abû Al-Bakhtarî said: "I asked Ibn 'Abbâs about selling the fruit of date palms. He said: 'The Messenger of Allâh ﷺ forbade selling the fruit of date palms until it (some of it) could be eaten, and until it was weighed.' I said: 'What does weighed mean?' A man who was with him said: 'Until it is estimated.'"

**[٣٨٧٣] ٥٥-(١٥٣٧)** حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ أَبِي الْبَخْتَرِيِّ قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ عَنْ بَيْعِ النَّخْلِ؟ فَقَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ النَّخْلِ حَتَّىٰ يَأْكُلَ مِنْهُ أَوْ يُؤْكَلَ مِنْهُ، وَحَتَّىٰ يُوزَنَ. قَالَ: فَقُلْتُ: مَا يُوزَنُ؟ فَقَالَ رَجُلٌ عِنْدَهُ: حَتَّىٰ يُحْزَرَ.

**[3874] 56 - (1538)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not sell produce until its goodness appears.'"

**[٣٨٧٤] ٥٦-(١٥٣٨)** وَحَدَّثَنِي أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنْ أَبِيهِ، عَنِ ابْنِ أَبِي نُعْمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تَبْتَاعُوا الثِّمَارَ حَتَّىٰ يَبْدُوَ صَلَاحُهَا».

[انظر: ٣٨٧٧]

## Chapter 14. The Prohibition Of Selling Fresh Dates In Exchange For Dry Dates Except In The Case Of *'Arâyâ*[1]

## (المعجم ١٤) - (بَابُ تحريم بيع الرطب بالتمر إلا في العرايا) (التحفة ١٤)

**[3875] 57 - (1534)** It was narrated from Ibn 'Umar that the Prophet ﷺ forbade selling produce until it became ripe, and he forbade selling fresh dates for dry dates.

**[٣٨٧٥] ٥٧-(١٥٣٤)** حَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ وَزُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لَهُمَا - قَالَا: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا الزُّهْرِيُّ عَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ نَهَىٰ

[1] *'Arâya* refers to a kind of sale in which the owner of dates that are still on the tree can sell them for dried dates by estimation.

عَنْ بَيْعِ الثَّمَرِ حَتَّىٰ يَبْدُوَ صَلَاحُهُ، وَعَنْ بَيْعِ الثَّمَرِ بِالتَّمْرِ. [راجع: ٣٨٦٢]

**[3876] (1539)** Zaid bin Thâbit narrated that the Messenger of Allâh ﷺ granted a concession with regard to selling *'Arâyâ*.

**[٣٨٧٦] (١٥٣٩) قَالَ** ابْنُ عُمَرَ: وَحَدَّثَنَا زَيْدُ بْنُ ثَابِتٍ؛ أَنَّ رَسُولَ اللهِ ﷺ رَخَّصَ فِي بَيْعِ الْعَرَايَا. زَادَ ابْنُ نُمَيْرٍ فِي رِوَايَتِهِ: أَنْ تُبَاعَ. [انظر: ٣٨٧٨]

**[3877] 58 - (1538)** Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not sell produce until it becomes ripe, and do not sell fresh dates for dry dates.'"

Ibn Shihâb said: "Sâlim bin 'Abdullâh bin 'Umar narrated a similar report to me from his father from the Messenger of Allâh ﷺ."

**[٣٨٧٧] ٥٨-(١٥٣٨) وحَدَّثَنِي** أَبُو الطَّاهِرِ وَحَرْمَلَةُ - وَاللَّفْظُ لِحَرْمَلَةَ - قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَٰنِ؛ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تَبْتَاعُوا الثَّمَرَ حَتَّىٰ يَبْدُوَ صَلَاحُهُ، وَلَا تَبْتَاعُوا الثَّمَرَ بِالتَّمْرِ».

[راجع: ٣٨٧٤]

قَالَ ابْنُ شِهَابٍ: وَحَدَّثَنِي سَالِمُ بْنُ عَبْدِ اللهِ ابْنِ عُمَرَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ، مِثْلَهُ، سَوَاءً.

**[3878] 59 - (1539)** It was narrated from Sa'eed bin Al-Mûsâyyab that the Messenger of Allâh ﷺ forbade *Muzâbanah* and *Muḥâqalah* transactions. *Muzâbanah* is when dates on the tree are sold for dry dates, and *Muḥâqalah* is when crops in the field are sold for dry wheat, or land is leased out for wheat.

**[٣٨٧٨] ٥٩-(١٥٣٩) وحَدَّثَنِي** مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا حُجَيْنُ [بْنُ الْمُثَنَّىٰ]: حَدَّثَنَا اللَّيْثُ عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ [بَيْعِ] الْمُزَابَنَةِ وَالْمُحَاقَلَةِ، وَالْمُزَابَنَةُ: أَنْ يُبَاعَ ثَمَرُ

النَّخْلِ بِالتَّمْرِ، وَالْمُحَاقَلَةُ: أَنْ يُبَاعَ الزَّرْعُ بِالْقَمْحِ، وَاسْتِكْرَاءُ الْأَرْضِ بِالْقَمْحِ.

قَالَ: وَأَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللهِ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قَالَ: «لَا تَبْتَاعُوا الثَّمَرَ حَتَّىٰ يَبْدُوَ صَلَاحُهُ، وَلَا تَبْتَاعُوا الثَّمَرَ بِالتَّمْرِ».

وَقَالَ سَالِمٌ: أَخْبَرَنِي عَبْدُ اللهِ عَنْ زَيْدِ ابْنِ ثَابِتٍ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ رَخَّصَ بَعْدَ ذٰلِكَ فِي بَيْعِ الْعَرِيَّةِ بِالرُّطَبِ أَوْ بِالتَّمْرِ، وَلَمْ يُرَخِّصْ فِي غَيْرِ ذٰلِكَ.

[راجع: ٣٨٧٦]

He said: "Sâlim bin 'Abdullâh narrated to me that the Messenger of Allâh ﷺ said: 'Do not sell produce until it becomes ripe, and do not sell fresh dates for dry dates.' Sâlim said: ''Abdullâh bin Zaid bin Thâbit told me that after that the Messenger of Allâh ﷺ granted a concession allowing the sale of *'Arâyâ* for fresh dates or dried dates, but he did not grant a concession in any other case.'"

**[٣٨٧٩] ٦٠-(...) وَحَدَّثَنَا يَحْيَى** ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ أَنَّ رَسُولَ اللهِ ﷺ رَخَّصَ لِصَاحِبِ الْعَرِيَّةِ أَنْ يَبِيعَهَا بِخَرْصِهَا مِنَ التَّمْرِ.

**[3879] 60 - (...)** It was narrated from Zaid bin Thâbit that the Messenger of Allâh ﷺ granted a concession to the owner of *'Arâyâ*; allowing him to sell it for an estimated measure of dried dates.

**[٣٨٨٠] ٦١-(...) وحدّثنا يَحْيَى** ابْنُ يَحْيَىٰ: أَخْبَرَنَا سُلَيْمَانُ بْنُ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ: أَخْبَرَنِي نَافِعٌ أَنَّهُ سَمِعَ عَبْدَ اللهِ بْنَ عُمَرَ يُحَدِّثُ أَنَّ زَيْدَ بْنَ ثَابِتٍ حَدَّثَهُ؛ أَنَّ رَسُولَ اللهِ ﷺ رَخَّصَ فِي الْعَرِيَّةِ يَأْخُذُهَا أَهْلُ الْبَيْتِ بِخَرْصِهَا تَمْرًا، يَأْكُلُونَهَا رُطَبًا.

**[3880] 61 - (...)** Zaid bin Thâbit narrated that the Messenger of Allâh ﷺ granted a concession with regard to *'Arâyâ*, by which the people of a household could eat fresh dates in return for a estimated measure of dried dates.

**[3881]** **(...)** Nâfi‘ narrated a similar report (as no. 3880).

[٣٨٨١] (...) **وحَدَّثَنَاه** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ يَقُولُ: أَخْبَرَنِي نَافِعٌ، بِهٰذَا الْإِسْنَادِ مِثْلَهُ.

**[3882] 62 - (...)** It was narrated from Yaḥyâ bin Sa‘eed with this chain (a *Ḥadîth* similar to no. 3880), except that he said: *‘Arâyâ* refers to the produce of palm trees that is given to people, and they sell it for a similar measure of dried dates.

[٣٨٨٢] **٦٢**-(...) **وحَدَّثَنَاهُ** يَحْيَى ابْنُ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمٌ عَنْ يَحْيَى بْنِ سَعِيدٍ بِهٰذَا الْإِسْنَادِ، غَيْرَ أَنَّهُ قَالَ: وَالْعَرِيَّةُ: النَّخْلُ تُجْعَلُ لِلْقَوْمِ فَيَبِيعُونَهَا بِخَرْصِهَا تَمْرًا.

**[3883] 63 - (...)** It was narrated from ‘Abdullâh bin ‘Umar: “Zaid bin Thâbit told me that the Messenger of Allâh ﷺ granted a concession allowing the sale of *‘Arâyâ* for a similar measure of dried dates.”

Yaḥyâ said: “*‘Arâyâ* is when a man buys the produce of date palms so that he can give his family fresh dates to eat, in return for an estimated measure of dried dates.”

[٣٨٨٣] **٦٣**-(...) **وحَدَّثَنَا** مُحَمَّدُ ابْنُ رُمْحِ بْنِ الْمُهَاجِرِ: أَخْبَرَنَا اللَّيْثُ عَنْ يَحْيَى ابْنِ سَعِيدٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ ابْنِ عُمَرَ: حَدَّثَنِي زَيْدُ بْنُ ثَابِتٍ؛ أَنَّ رَسُولَ اللهِ ﷺ رَخَّصَ فِي بَيْعِ الْعَرِيَّةِ بِخَرْصِهَا تَمْرًا.

قَالَ يَحْيَىٰ: الْعَرِيَّةُ أَنْ يَشْتَرِيَ الرَّجُلُ ثَمَرَ النَّخَلَاتِ لِطَعَامِ أَهْلِهِ رُطَبًا، بِخَرْصِها تَمْرًا.

**[3884] 64 - (...)** It was narrated from Zaid bin Thâbit that the Messenger of Allâh ﷺ granted a concession with regard to *‘Arâyâ*, allowing it to be sold for a similar measure.

[٣٨٨٤] **٦٤**-(...) **وحَدَّثَنَا** ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ: حَدَّثَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ، عَنْ زَيْدِ بْنِ ثَابِتٍ؛ أَنَّ رَسُولَ اللهِ ﷺ رَخَّصَ فِي الْعَرَايَا أَنْ تُبَاعَ بِخَرْصِهَا كَيْلًا.

[3885] 65 - (...) It was narrated from 'Ubaidullâh with this chain (a _Hadîth_ similar to no. 3884).

[٣٨٨٥] ٦٥-(...) وحَدَّثَنَاه ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عُبَيْدِ اللهِ بِهَٰذَا الْإِسْنَادِ، وَقَالَ: أَنْ تُؤْخَذَ بِخَرْصِهَا.

[3886] 66 - (...) It was narrated from Nâfi' with this chain that the Messenger of Allâh ﷺ granted a concession allowing *'Arâyâ* to be sold for a similar measure.

[٣٨٨٦] ٦٦-(...) وحَدَّثَنَا أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ؛ وَحَدَّثَنِيهِ عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ، كِلَاهُمَا عَنْ أَيُّوبَ، عَنْ نَافِعٍ بِهَٰذَا الْإِسْنَادِ؛ أَنَّ رَسُولَ اللهِ ﷺ رَخَّصَ فِي بَيْعِ الْعَرَايَا بِخَرْصِهَا.

[3887] 67 - (1540) It was narrated from Bushair bin Yasâr from some of the Companions of the Messenger of Allâh ﷺ who were members of his family, including Sahl bin Abî Hathmah, that the Messenger of Allâh ﷺ forbade selling fresh dates for dried dates. He said: "That is *Ribâ*, that is *Muzâbanah*." But he granted a concession allowing the sale of *'Ariyyah*, where the produce of one or two palm trees is assigned to a household in return for an estimated measure of dried dates, so that they can eat fresh dates.

[٣٨٨٧] ٦٧-(١٥٤٠) وحَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ، عَنْ يَحْيَىٰ وَهُوَ ابْنُ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ بَعْضِ أَصْحَابِ رَسُولِ اللهِ ﷺ مِنْ أَهْلِ دَارِهِمْ، مِنْهُمْ سَهْلُ بْنُ أَبِي حَثْمَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ بَيْعِ الثَّمَرِ بِالتَّمْرِ، وَقَالَ: «ذٰلِكَ الرِّبَا، تِلْكَ الْمُزَابَنَةُ» إِلَّا أَنَّهُ رَخَّصَ فِي بَيْعِ الْعَرِيَّةِ، النَّخْلَةِ وَالنَّخْلَتَيْنِ يَأْخُذُهَا أَهْلُ الْبَيْتِ بِخَرْصِهَا تَمْرًا، يَأْكُلُونَهَا رُطَبًا.

[3888] 68 - (...) It was narrated from Bushair bin Yasâr, that the Companions of the Messenger of Allâh ﷺ said: "The Messenger of Allâh ﷺ granted a concession with regard to the sale of *'Ariyyah* for an estimated measure of dried dates."

[٣٨٨٨] ٦٨-(...) وحَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا ابْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ أَصْحَابِ رَسُولِ اللهِ ﷺ أَنَّهُمْ قَالُوا: رَخَّصَ رَسُولُ اللهِ ﷺ فِي بَيْعِ الْعَرِيَّةِ بِخَرْصِهَا تَمْرًا.

[3889] 69 - (...) Bushair bin Yasâr narrated from some Companions of the Messenger of Allâh ﷺ who were members of his family that the Messenger of Allâh ﷺ forbade... and he mentioned a *Hadîth* like that of Sulaimân bin Bilâl from Yahyâ (no. 3887), except that Ishâq and Ibn Al-Muthanna said *Zabn* instead of *Ribâ*, but Ibn Abî 'Umar said *Ribâ*.

[٣٨٨٩] ٦٩-(...) وحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَإِسْحٰقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، جَمِيعًا عَنِ الثَّقَفِيِّ قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ يَقُولُ: أَخْبَرَنِي بُشَيْرُ بْنُ يَسَارٍ عَنْ بَعْضِ أَصْحَابِ رَسُولِ اللهِ ﷺ مِنْ أَهْلِ دَارِهِ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ. فَذَكَرَ بِمِثْلِ حَدِيثِ سُلَيْمَانَ بْنِ بِلَالٍ عَنْ يَحْيَىٰ، غَيْرَ أَنَّ إِسْحٰقَ وَابْنَ الْمُثَنَّىٰ جَعَلَا مَكَانَ الرِّبَا الزَّبْنَ، وَقَالَ ابْنُ أَبِي عُمَرَ: الرِّبَا.

[3890] (...) A *Hadîth* like theirs (i.e. Ishâq and Ibn Al-Muthanna, no. 3889) was narrated from Sahl bin Abî Hathmah from the Prophet ﷺ.

[٣٨٩٠] (...) وحَدَّثَنَاه عَمْرٌو النَّاقِدُ وَابْنُ نُمَيْرٍ قَالَا: حَدَّثَنَا سُفْيَانُ ابْنُ عُيَيْنَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِهِمْ.

[3891] 70 - (...) Râfi' bin Khadîj and Sahl bin Abî Hathmah narrated that the Messenger of Allâh ﷺ forbade *Muzâbanah*, selling fresh dates for dried dates, except for those who owned *'Arâyâ* - he gave them permission.

[٣٨٩١] ٧٠-(...) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَحَسَنٌ الْحُلْوَانِيُّ قَالَا: حَدَّثَنَا أَبُو أُسَامَةَ، عَنِ الْوَلِيدِ بْنِ كَثِيرٍ: حَدَّثَنِي بُشَيْرُ بْنُ يَسَارٍ مَوْلَىٰ بَنِي حَارِثَةَ؛ أَنَّ رَافِعَ بْنَ خَدِيجٍ وَسَهْلَ بْنَ أَبِي حَثْمَةَ حَدَّثَاهُ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُزَابَنَةِ، الثَّمَرِ بِالتَّمْرِ، إِلَّا أَصْحَابَ الْعَرَايَا، فَإِنَّهُ قَدْ أَذِنَ لَهُمْ.

**[3892] 71 - (1541)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ granted a concession allowing the sale of *'Arâyâ* for estimated amounts less than five *Wasq*, or up to five *Wasq*. Dâwûd was unsure and said: "Five or less than five?" He said: "Yes."

**[٣٨٩٢] ٧١-(١٥٤١) وَحَدَّثَنَا** عَبْدُ اللهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا مَالِكٌ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ - وَاللَّفْظُ لَهُ - قَالَ قُلْتُ لِمَالِكٍ: حَدَّثَكَ دَاوُدُ بْنُ الْحُصَيْنِ، عَنْ أَبِي سُفْيَانَ مَوْلَى ابْنِ أَبِي أَحْمَدَ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ رَخَّصَ فِي بَيْعِ الْعَرَايَا بِخَرْصِهَا فِيما دُونَ خَمْسَةِ أَوْسُقٍ أَوْ فِي خَمْسَةٍ - يَشُكُّ دَاوُدُ قَالَ: خَمْسَةٌ أَوْ دُونَ خَمْسَةٍ؟- قَالَ: نَعَمْ.

**[3893] 72 - (1542)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade *Muzâbanah*. *Muzâbanah* refers to selling fresh dates for dried dates by measure, and selling grapes for raisins by measure.

**[٣٨٩٣] ٧٢-(١٥٤٢) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ [التَّمِيمِيُّ] قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: بَيْعُ الثَّمَرِ بِالتَّمْرِ كَيْلًا، وَبَيْعُ الْكَرْمِ بِالزَّبِيبِ كَيْلًا.

**[3894] 73 - (...)** It was narrated from Nâfi' that 'Abdullâh told him that the Prophet ﷺ forbade *Muzâbanah*. *Muzâbanah* means selling the produce of palm trees for dried dates by measure, or selling grapes for raisins by measure, or selling crops for dried wheat by measure.

**[٣٨٩٤] ٧٣-(...) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ؛ أَنَّ عَبْدَ اللهِ أَخْبَرَهُ؛ أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: بَيْعُ ثَمَرِ النَّخْلِ بِالتَّمْرِ كَيْلًا، وَبَيْعُ الْعِنَبِ بِالزَّبِيبِ كَيْلًا، وَبَيْعُ الزَّرْعِ بِالْحِنْطَةِ كَيْلًا.

**[3895] (...)** A similar report (as no. 3894) was narrated from 'Ubaidullâh with this chain.

**[٣٨٩٥] (...) وحَدَّثَناه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ عَنْ عُبَيْدِ اللهِ بِهَٰذَا الْإِسْنَادِ مِثْلَهُ.

**[3896] 74 - (...)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ forbade *Muzâbanah*. *Muzâbanah* means selling the produce of palm trees for dried dates by measure, or selling grapes for raisins by measure, or selling any kind of produce for an estimated measure of the same kind of produce."

[٣٨٩٦] ٧٤-(...) **حَدَّثَنِي** يَحْيَى ابْنُ مَعِينٍ وَهَارُونُ بْنُ عَبْدِ اللهِ وَحُسَيْنُ بْنُ عِيسَىٰ قَالُوا: حَدَّثَنَا أَبُو أُسَامَةَ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: بَيْعُ ثَمَرِ النَّخْلِ بِالتَّمْرِ كَيْلًا، وَبَيْعُ الزَّبِيبِ بِالْعِنَبِ كَيْلًا، وَعَنْ كُلِّ ثَمَرٍ بِخَرْصِهِ.

**[3897] 75 - (...)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ forbade *Muzâbanah*. *Muzâbanah* means selling what is up on the palm trees for dried dates of a specified amount (by saying), "If there is more it is mine and if there is less then I owe you."

[٣٨٩٧] ٧٥-(...) **وَحَدَّثَنِي** عَلِيُّ ابْنُ حُجْرٍ [السَّعْدِيُّ] وَزُهَيْرُ بْنُ حَرْبٍ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ إِبْرَاهِيمَ، عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُزَابَنَةِ، وَالْمُزَابَنَةُ: أَنْ يُبَاعَ مَا فِي رُءُوسِ النَّخْلِ بِتَمْرٍ، بِكَيْلٍ مُسَمًّى، إِنْ زَادَ فَلِي وَإِنْ نَقَصَ فَعَلَيَّ.

**[3898] (...)** Ayyûb narrated a similar report (as no. 3897) with this chain.

[٣٨٩٨] (...) **وَحَدَّثَنَاه** أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ: حَدَّثَنَا أَيُّوبُ، بِهَٰذَا الْإِسْنَادِ نَحْوَهُ.

**[3899] 76 - (...)** It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ forbade *Muzâbanah*, selling the produce of one's garden. If it is palm trees; for dried dates by measure, and if it is grapes; selling them for raisins by measure, and if it is unharvested produce; selling it for a measure of harvested produce. He forbade all of that."

[٣٨٩٩] ٧٦-(...) **وَحَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ [قَالَ]: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُزَابَنَةِ: أَنْ يَبِيعَ ثَمَرَ حَائِطِهِ: إِنْ كَانَتْ نَخْلًا، بِتَمْرٍ كَيْلًا، وَإِنْ كَانَ كَرْمًا، أَنْ يَبِيعَهُ بِزَبِيبٍ كَيْلًا،

وَإِنْ كَانَ زَرْعًا، أَنْ يَبِيعَهُ بِكَيْلِ طَعَامٍ، نَهَىٰ عَنْ ذٰلِكَ كُلِّهِ.

وَفِي رِوَايَةِ قُتَيْبَةَ: أَوْ كَانَ زَرْعًا.

**[3900]** (...) A *Hadîth* similar to theirs (i.e. Qutaiba and others, no. 3899) was narrated from Nâfi' with this chain.

[٣٩٠٠] (...) **وَحَدَّثَنِيهِ** أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: حَدَّثَنِي يُونُسُ؛ قَالَ: وَحَدَّثَنَا ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنِي الضَّحَّاكُ؛ وَحَدَّثَنِيهِ سُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا حَفْصُ بْنُ مَيْسَرَةَ: حَدَّثَنِي مُوسَى بْنُ عُقْبَةَ، كُلُّهُمْ عَنْ نَافِعٍ، بِهٰذَا الْإِسْنَادِ نَحْوَ حَدِيثِهِمْ.

## Chapter 15. One Who Sells Date Palms On Which There Are Dates

## (المعجم ١٥) - (بَابُ من باع نخلا عليها تمر) (التحفة ١٥)

**[3901] 77 - (1534)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "Whoever sells date palms that have been pollinated, the produce belongs to the seller, unless the buyer stipulates otherwise."

[٣٩٠١] ٧٧-(١٥٤٣) **وَحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ بَاعَ نَخْلًا قَدْ أُبِّرَتْ، فَثَمَرُهَا لِلْبَائِعِ، إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ».

**[3902] 78 - (...)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "Any palm trees which are purchased and they have been pollinated, the produce belongs to the one who pollinated them, unless the one who buys them stipulates otherwise."

[٣٩٠٢] ٧٨-(...) **وَحَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي، جَمِيعًا عَنْ عُبَيْدِ اللهِ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أَيُّمَا نَخْلٍ اشْتُرِيَ أُصُولُهَا وَقَدْ أُبِّرَتْ، فَإِنَّ ثَمَرَهَا لِلَّذِي أَبَّرَهَا، إِلَّا أَنْ يَشْتَرِطَ الَّذِي اشْتَرَاهَا».

**[3903] 79 - (...)** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "Any person who pollinates palm trees then sells them, the produce of the palm tree belongs to the one who pollinated it, unless the buyer stipulates otherwise."

**[٣٩٠٣] ٧٩-(...) وحَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا ابْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «أَيُّمَا امْرِىءٍ أَبَّرَ نَخْلًا ثُمَّ بَاعَ أَصْلَهَا، فَلِلَّذِي أَبَّرَ ثَمَرُ النَّخْلِ، إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ».

**[3904] (...)** A similar report (as no. 3903) was narrated from Nâfi' with this chain.

**[٣٩٠٤] (...) وحَدَّثَنَاه** أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ؛ وَحَدَّثَنِيهِ زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ، كِلَاهُمَا عَنْ أَيُّوبَ، عَنْ نَافِعٍ بِهَٰذَا الْإِسْنَادِ نَحْوَهُ.

**[3905] 80 - (...)** It was narrated that 'Abdullâh bin 'Umar said: "I heard the Messenger of Allâh ﷺ say: 'Whoever buys palm trees after they have been pollinated, their produce belongs to the seller, unless the buyer stipulates otherwise. Whoever buys a slave, his property belongs to the one who sold him, unless the buyer stipulated otherwise.'"

**[٣٩٠٥] ٨٠-(...) وَحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ وَمُحَمَّدُ بْنُ رُمْحٍ قَالَا: أَخْبَرَنَا اللَّيْثُ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: أَخْبَرَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنِ ابْتَاعَ نَخْلًا بَعْدَ أَنْ تُؤَبَّرَ فَثَمَرَتُهَا لِلَّذِي بَاعَهَا، إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ، وَمَنِ ابْتَاعَ عَبْدًا فَمَالُهُ لِلَّذِي بَاعَهُ، إِلَّا أَنْ يَشْتَرِطَ الْمُبْتَاعُ».

**[3906] (...)** A similar report (as no. 3905) was narrated from Az-Zuhrî with this chain.

**[٣٩٠٦] (...) وحَدَّثَنَاه** يَحْيَى بْنُ يَحْيَىٰ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ ابْنُ حَرْبٍ - قَالَ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - سُفْيَانُ بْنُ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ مِثْلَهُ.

[3907] (...) Sâlim bin 'Abdullâh bin 'Umar narrated that his father said: "I heard the Messenger of Allâh ﷺ say..." a similar report (as no. 3905).

[٣٩٠٧] (...) وحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي سَالِمُ بْنُ عَبْدِ اللهِ بْنِ عُمَرَ؛ أَنَّ أَبَاهُ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ، بِمِثْلِهِ.

## Chapter 16. The Prohibition Of *Muhâqalah* And *Muzâbanah*, And *Mukhâbarah* ; And Selling Produce Before Its Goodness Appears, And *Mu'âwamah* ; Which He Is Selling Years In Advance

## (المعجم ١٦) - (بَابُ النهي عن المحاقلة والمزابنة، وعن المخابرة وبيع الثمرة قبل بُدوّ صلاحها، وعن بيع المعاومة وهو بيع السنين) (التحفة ١٦)

[3908] 81 - (1536) It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade *Muhâqalah*, *Muzâbanah* and *Mukhâbarah*, and selling produce before its goodness appears; it should not be sold except for Dînâr and Dirham, except in the case of *'Arâyâ*."

[٣٩٠٨] ٨١-(١٥٣٦) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ وَزُهَيْرُ بْنُ حَرْبٍ قَالُوا جَمِيعًا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ وَالْمُخَابَرَةِ، وَعَنْ بَيْعِ الثَّمَرِ حَتَّىٰ يَبْدُوَ صَلَاحُهُ، وَلَا يُبَاعُ إِلَّا بِالدِّينَارِ وَالدِّرْهَمِ، إِلَّا الْعَرَايَا. [راجع: ٣٨٧١]

[3909] (...) Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade..." and he mentioned something similar (to *Hadîth* no. 3908).

[٣٩٠٩] (...) وحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا أَبُو عَاصِمٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ عَنْ عَطَاءٍ وَأَبِي الزُّبَيْرِ؛ أَنَّهُمَا سَمِعَا جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: نَهَىٰ رَسُولُ اللهِ ﷺ، فَذَكَرَ مِثْلَهُ.

**[3910] 82 - (...)** It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ forbade *Mukhâbarah*, *Muhâqalah* and *Muzâbanah*, and selling produce until it is fit to eat; it should not be sold except for Dirham and Dînâr, except in the case of *'Arâyâ*.

'Atâ' said: "Jâbir explained it to us and said: '*Mukhâbarah* refers to unused land which a man gives to another man who spends on it then (the owner) takes some of its produce in return. He said that *Muzâbanah* means selling fresh dates on the tree for dried dates by measure, and *Muhâqalah* refers to something similar with regard to crops, where standing crops are sold for grains by measure.'"

**[٣٩١٠] ٨٢-(...)** وَحَدَّثَنَا إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا مَخْلَدُ بْنُ يَزِيدَ الْجَزَرِيُّ: حَدَّثَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي عَطَاءٌ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُخَابَرَةِ وَالْمُحَاقَلَةِ وَالْمُزَابَنَةِ، وَعَنْ بَيْعِ الثَّمَرَةِ حَتَّىٰ تُطْعِمَ، وَلَا تُبَاعُ إِلَّا بِالدَّرَاهِمِ وَالدَّنَانِيرِ، إِلَّا الْعَرَايَا.

قَالَ عَطَاءٌ: فَسَّرَهَا لَنَا جَابِرٌ قَالَ: أَمَّا الْمُخَابَرَةُ فَالْأَرْضُ الْبَيْضَاءُ يَدْفَعُهَا الرَّجُلُ إِلَى الرَّجُلِ فَيُنْفِقُ فِيهَا ثُمَّ يَأْخُذُ مِنَ الثَّمَرِ، وَزَعَمَ أَنَّ الْمُزَابَنَةَ بَيْعُ الرُّطَبِ فِي النَّخْلِ بِالتَّمْرِ كَيْلًا، وَالْمُحَاقَلَةُ فِي الزَّرْعِ عَلَىٰ نَحْوِ ذَٰلِكَ، يَبِيعُ الزَّرْعَ الْقَائِمَ بِالْحَبِّ كَيْلًا.

**[3911] 83 - (...)** It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ forbade *Muhâqalah*, *Muzâbanah* and *Mukhâbarah*, and buying palm trees until (their produce is) ripe. And ripening means that they turn red or yellow, or are fit to eat. *Muhâqalah* means selling the field for a known measure of food. *Muzâbanah* means selling the palm tree for some *Wasq* of dried dates. *Mukhâbarah* refers to a share, one-third or one-quarter and so on.

Zaid said: "I said to 'Atâ' bin

**[٣٩١١] ٨٣-(...)** وَحَدَّثَنَا إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ أَحْمَدَ ابْنِ أَبِي خَلَفٍ، كِلَيْهِمَا عَنْ زَكَرِيَّاءَ - قَالَ ابْنُ أَبِي خَلَفٍ: حَدَّثَنَا زَكَرِيَّاءُ ابْنُ عَدِيٍّ -: أَخْبَرَنَا عُبَيْدُ اللهِ عَنْ زَيْدِ بْنِ أَبِي أُنَيْسَةَ: حَدَّثَنَا أَبُو الْوَلِيدِ الْمَكِّيُّ وَهُوَ جَالِسٌ عِنْدَ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ وَالْمُخَابَرَةِ، يُشْتَرَى النَّخْلُ حَتَّىٰ يُشْقِهَ، وَالْإِشْقَاهُ أَنْ يَحْمَرَّ أَوْ يَصْفَرَّ أَوْ

Abî Rabâḥ: 'Did you hear Jâbir bin 'Abdullâh narrate that from the Messenger of Allâh ﷺ?' He said: 'Yes.'"

يُؤْكَلَ مِنْهُ شَيْءٌ، وَالْمُحَاقَلَةُ: أَنْ يُبَاعَ الْحَقْلُ بِكَيْلٍ مِنَ الطَّعَامِ مَعْلُومٍ، وَالْمُزَابَنَةُ أَنْ يُبَاعَ النَّخْلُ بِأَوْسَاقٍ مِنَ التَّمْرِ، وَالْمُخَابَرَةُ: الثُّلُثُ وَالرُّبُعُ وَأَشْبَاهُ ذٰلِكَ.

قَالَ زَيْدٌ: قُلْتُ لِعَطَاءِ بْنِ أَبِي رَبَاحٍ: أَسَمِعْتَ جَابِرَ بْنَ عَبْدِ اللهِ يَذْكُرُ هٰذَا عَنْ رَسُولِ اللهِ ﷺ؟ قَالَ: نَعَمْ.

**[3912] 84 - (...)** It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade *Muzâbanah*, *Muḥâqalah* and *Mukhâbarah*, and selling produce until it is ripe (*Tushqiḥ*)."

He said: "I said to Sa'eed: 'What does *Tushqiḥ* mean?' He said: 'When they turn red or yellow and are fit to eat.'"

**[٣٩١٢] ٨٤-(...) وحَدَّثَنَا** عَبْدُ اللهِ بْنُ هَاشِمٍ: حَدَّثَنَا بَهْزٌ: حَدَّثَنَا سَلِيمُ ابْنُ حَيَّانَ: حَدَّثَنَا سَعِيدُ بْنُ مِينَاءَ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُزَابَنَةِ وَالْمُحَاقَلَةِ وَالْمُخَابَرَةِ، وَعَنْ بَيْعِ الثَّمَرَةِ حَتَّىٰ تُشْقِحَ.

قَالَ قُلْتُ لِسَعِيدٍ: مَا تُشْقِحُ؟ قَالَ: تَحْمَارُّ وَتَصْفَارُّ وَيُؤْكَلُ مِنْهَا.

**[3913] 85 - (...)** It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade *Muḥâqalah*, *Muzâbanah*, *Mu'âwamah* and *Mukhâbarah* - one of them said: selling years ahead is *Mu'âwamah* - and exemption of something unspecified, but he granted a concession with regard to *'Arâyâ*."

**[٣٩١٣] ٨٥-(...) وَحَدَّثَنَا** عُبَيْدُ اللهِ بْنُ عُمَرَ الْقَوَارِيرِيُّ وَمُحَمَّدُ ابْنُ عُبَيْدٍ الْغُبَرِيُّ - وَاللَّفْظُ لِعُبَيْدِ اللهِ - قَالَا: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ: حَدَّثَنَا أَيُّوبُ عَنْ أَبِي الزُّبَيْرِ وَسَعِيدِ بْنِ مِينَاءَ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ وَالْمُعَاوَمَةِ وَالْمُخَابَرَةِ - قَالَ أَحَدُهُمَا: بَيْعُ السِّنِينَ هِيَ الْمُعَاوَمَةُ - وَعَنِ الثُّنْيَا وَرَخَّصَ فِي الْعَرَايَا.

[3914] (...) A similar report (as no. 3913) was narrated from Jâbir from the Prophet ﷺ, except that he did not mention: "Selling years ahead is *Mu'âwamah*."

[٣٩١٤] (. . .) وحَدَّثَنَاه أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَلِيُّ بْنُ حُجْرٍ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ عُلَيَّةَ، عَنْ أَيُّوبَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ، غَيْرَ أَنَّهُ لَا يَذْكُرُ: بَيْعُ السِّنِينَ هِيَ الْمُعَاوَمَةُ.

## Chapter 17. *Kirâ'* (Leasing Land)[1]

## (المعجم ١٧) - (بَابُ كراء الأرض)

(التحفة ١٧)

[3915] 86 - (...) It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade leasing out land, selling it years ahead and selling produce until it is good (i.e. ready to eat)."

[٣٩١٥] ٨٦-(. . .) وَحَدَّثَنِي إِسْحَقُ بْنُ مَنْصُورٍ: حَدَّثَنَا عُبَيْدُ اللهِ ابْنُ عَبْدِ الْمَجِيدِ: حَدَّثَنَا رَبَاحُ بْنُ أَبِي مَعْرُوفٍ قَالَ: سَمِعْتُ عَطَاءً، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ كِرَاءِ الْأَرْضِ، وَعَنْ بَيْعِهَا السِّنِينَ، وَعَنْ بَيْعِ الثَّمَرِ حَتَّىٰ يَطِيبَ.

[3916] 87 - (...) It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ forbade leasing out land.

[٣٩١٦] ٨٧-(. . .) وَحَدَّثَنِي أَبُو كَامِلٍ الْجَحْدَرِيُّ: حَدَّثَنَا حَمَّادٌ يَعْنِي ابْنَ زَيْدٍ عَنْ مَطَرٍ الْوَرَّاقِ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ كِرَاءِ الْأَرْضِ.

[3917] 88 - (...) It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'Whoever has land, let him cultivate it, and if he does not cultivate it, he should let his brother cultivate it.'"

[٣٩١٧] ٨٨-(. . .) وحَدَّثَنَا عَبْدُ ابْنُ حُمَيْدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ الْفَضْلِ لَقَبُهُ عَارِمٌ، وَ هُوَ أَبُو النُّعْمَانِ السَّدُوسِيُّ: حَدَّثَنَا مَهْدِيُّ بْنُ مَيْمُونٍ: حَدَّثَنَا مَطَرٌ الْوَرَّاقُ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: قَالَ رَسُولُ

[1] *Kirâ'*: When the owner allows the land to be used in exchange for a certain portion of the produce. Some of the narrations that follow explain it explicitly.

اللهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا، فَإِنْ لَمْ يَزْرَعْهَا فَلْيُزْرِعْهَا أَخَاهُ».

[3918] 89 - (...) It was narrated that Jâbir bin 'Abdullâh said: "One of the Companions of the Messenger of Allâh ﷺ had some surplus land, and the Messenger of Allâh ﷺ said: 'Whoever has surplus land, let him cultivate it or lend it to his brother, but if he insists, let him keep his land.'"

[٣٩١٨] ٨٩-(...) حَدَّثَنَا الْحَكَمُ ابْنُ مُوسَىٰ: حَدَّثَنَا هِقْلٌ يَعْنِي ابْنَ زِيَادٍ، عَنِ الْأَوْزَاعِيِّ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: كَانَ لِرِجَالٍ فُضُولُ أَرَضِينَ مِنْ أَصْحَابِ رَسُولِ اللهِ ﷺ، فَقَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَتْ لَهُ فَضْلُ أَرْضٍ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا أَخَاهُ، فَإِنْ أَبَىٰ فَلْيُمْسِكْ أَرْضَهُ».

[3919] 90 - (...) It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade taking rent or a share for land."

[٣٩١٩] ٩٠-(...) وحَدَّثَني مُحَمَّدُ ابْنُ حَاتِمٍ: حَدَّثَنَا مُعَلَّى بْنُ مَنْصُورٍ الرَّازِيُّ: حَدَّثَنَا خَالِدٌ: أَخْبَرَنَا الشَّيْبَانِيُّ عَنْ بُكَيْرِ بْنِ الْأَخْنَسِ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ أَنْ تُؤْخَذَ الْأَرْضُ أَجْرًا أَوْ حَظًّا.

[3920] 91 - (...) It was narrated that Jâbir said: "The Messenger of Allâh ﷺ said: 'Whoever has land, let him cultivate it. If he cannot cultivate it, or is unable to do so, let him lend it to his Muslim brother, but he should not take rent for it.'"

[٣٩٢٠] ٩١-(...) حَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْدُ الْمَلِكِ عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا، فَإِنْ لَمْ يَسْتَطِعْ أَنْ يَزْرَعَهَا وَعَجَزَ عَنْهَا، فَلْيَمْنَحْهَا أَخَاهُ الْمُسْلِمَ، وَلَا يُؤَاجِرْهَا إِيَّاهُ».

[3921] 92 - (...) Hammâm narrated: "Sulaimân bin Mûsâ asked 'Aṭâ': 'Did Jâbir bin 'Abdullâh tell you that the Prophet ﷺ said: "Whoever has

[٣٩٢١] ٩٢-(...) وحَدَّثَنَا شَيْبَانُ ابْنُ فَرُّوخَ: حَدَّثَنَا هَمَّامٌ قَالَ: سَأَلَ سُلَيْمَانُ بْنُ مُوسَىٰ عَطَاءً فَقَالَ: أَحَدَّثَكَ

land, let him cultivate it or let his brother cultivate it, and he should not lease it out"? He said: "Yes."

جَابِرُ بْنُ عَبْدِ اللهِ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا، أَوْ لِيُزْرِعْهَا أَخَاهُ، وَلَا يُكْرِهَا» قَالَ: نَعَمْ.

**[3922] 93 - (...)** It was narrated from Jâbir that the Prophet ﷺ forbade *Mukhâbarah*.

**[٣٩٢٢] ٩٣-(...) وَحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو، عَنْ جَابِرٍ أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنِ الْمُخَابَرَةِ.

**[3923] 94 - (...)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'Whoever has surplus land, let him cultivate it or let his brother cultivate it, and not sell it.' I said to Sa'eed: Does 'not sell it' refer to leasing? He said: 'Yes.'"

**[٣٩٢٣] ٩٤-(...) وحَدَّثَنِي** حَجَّاجُ بْنُ الشَّاعِرِ: حَدَّثَنَا عُبَيْدُ اللهِ ابْنُ عبْدِ الْمَجِيدِ: حَدَّثَنَا سَلِيمُ بْنُ حَيَّانَ: حَدَّثَنَا سَعِيدُ بْنُ مِينَاءَ قَالَ: سَمِعْتُ جَابِرَ ابْنَ عَبْدِ اللهِ [يَقُولُ]: إِنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ كَانَ لَهُ فَضْلُ أَرْضٍ فَلْيَزْرَعْهَا، أَوْ لِيُزْرِعْهَا أَخَاهُ، وَلَا تَبِيعُوهَا» فَقُلْتُ لِسَعِيدٍ: مَا قَوْلُهُ: وَلَا تَبِيعُوهَا؟ يَعْنِي الْكِرَاءَ؟ قَالَ: نَعَمْ.

**[3924] 95 - (...)** It was narrated that Jâbir said: "We used to rent (*Khâbir*) land at the time of the Messenger of Allâh ﷺ and we would get a share of the grain left in the ears after threshing and of such-and-such (a quantity). Then the Messenger of Allâh ﷺ said: 'Whoever has land (surplus) let him cultivate it or let his brother till it, otherwise, let him leave it.'"

**[٣٩٢٤] ٩٥-(...) وَحَدَّثَنَا** أَحْمَدُ ابْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: كُنَّا نُخَابِرُ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، فَنُصِيبُ مِنَ الْقِصْرِيِّ وَمِنْ كَذَا، فَقَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ فَلْيُحْرِثْهَا أَخَاهُ، وَإِلَّا فَلْيَدَعْهَا».

**[3925] 96 - (...)** Jâbir bin 'Abdullâh said: "At the time of the Messenger of Allâh ﷺ we used to take land in return for one-third or one-quarter of that

**[٣٩٢٥] ٩٦-(...) حَدَّثَنِي** أَبُو الطَّاهِرِ وَأَحْمَدُ بْنُ عِيسَىٰ، جَمِيعًا عَنِ ابْنِ وَهْبٍ - قَالَ ابْنُ عِيسَىٰ: حَدَّثَنَا عَبْدُ

which grew along the water channels. The Messenger of Allâh ﷺ addressed us concerning that and said: 'Whoever has land, let him cultivate it. If he does not cultivate it, let him lend it to his brother. If he does not lend it to his brother, let him keep it.'"

اللهِ بْنُ وَهْبٍ -: حَدَّثَنِي هِشَامُ بْنُ سَعْدٍ أَنَّ أَبَا الزُّبَيْرِ الْمَكِّيَّ حَدَّثَهُ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: كُنَّا فِي زَمَنِ رَسُولِ اللهِ ﷺ نَأْخُذُ الْأَرْضَ بِالثُّلُثِ أَوِ الرُّبُعِ بِالْمَاذِيَانَاتِ، فَقَامَ رَسُولُ اللهِ ﷺ فِي ذٰلِكَ فَقَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا، فَإِنْ لَمْ يَزْرَعْهَا فَلْيَمْنَحْهَا أَخَاهُ، فَإِنْ لَمْ يَمْنَحْهَا أَخَاهُ فَلْيُمْسِكْهَا».

**[3926] 97 - (...)** It was narrated that Jâbir said: "I heard the Prophet ﷺ say: 'Whoever has land, let him donate it or lend it.'"

**[٣٩٢٦] ٩٧-(...) حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا يَحْيَى بْنُ حَمَّادٍ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سُلَيْمَانَ: حَدَّثَنَا أَبُو سُفْيَانَ عَنْ جَابِرٍ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَهَبْهَا أَوْ لِيُعِرْهَا».

**[3927] 98 - (...)** It was narrated from Al-A'mash with this chain (a *Hadîth* similar to no. 3926), except that he (ﷺ) said: "Let him cultivate it, or let his brother cultivate it."

**[٣٩٢٧] ٩٨-(...) وَحَدَّثَنِيهِ** حَجَّاجُ بْنُ الشَّاعِرِ: حَدَّثَنَا أَبُو الْجَوَّابِ: حَدَّثَنَا عَمَّارُ بْنُ رُزَيْقٍ عَنِ الْأَعْمَشِ بِهٰذَا الْإِسْنَادِ، غَيْرَ أَنَّهُ قَالَ «فَلْيَزْرَعْهَا أَوْ فَلْيُزْرِعْهَا رَجُلًا».

**[3928] 99 - (...)** It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ forbade leasing out land.

Bukhair said: "Nâfi' told me that he heard Ibn 'Umar say: 'We used to lease out land, then we stopped doing that when we heard the *Hadîth* of Râfi' bin Khadîj.'"

**[٣٩٢٨] ٩٩-(...) وحَدَّثَنَا** هَٰرُونُ ابْنُ سَعِيدٍ الْأَيْلِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرٌو وَهُوَ ابْنُ الْحَارِثِ، أَنَّ بُكَيْرًا حَدَّثَهُ؛ أَنَّ عَبْدَ اللهِ بْنَ أَبِي سَلَمَةَ حَدَّثَهُ عَنِ النُّعْمَانِ بْنِ أَبِي عَيَّاشٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ كِرَاءِ الْأَرْضِ.

قَالَ بُكَيْرٌ: وَحَدَّثَنِي نَافِعٌ أَنَّهُ سَمِعَ ابْنَ عُمَرَ يَقُولُ: كُنَّا نُكْرِي أَرْضَنَا ثُمَّ تَرَكْنَا ذٰلِكَ حِينَ سَمِعْنَا حَدِيثَ رَافِعِ بْنِ خَدِيجٍ.

**[3929] 100 - (...)** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ forbade selling (leasing) unused land for two or three years."

[٣٩٢٩] ١٠٠-(...) وحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا أَبُو خَيْثَمَةَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ أَرْضِ الْبَيْضَاءِ سَنَتَيْنِ أَوْ ثَلَاثًا.

**[3930] 101 - (...)** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ forbade selling years ahead."

According to the report of Ibn Abî Shaibah: (the Messenger of Allâh ﷺ forbade) "Selling produce for years ahead."

[٣٩٣٠] ١٠١-(...) وحَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَزُهَيْرُ بْنُ حَرْبٍ قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ حُمَيْدٍ الْأَعْرَجِ، عَنْ سُلَيْمَانَ بْنِ عَتِيقٍ، عَنْ جَابِرٍ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ السِّنِينَ.

وَفِي رِوَايَةِ ابْنِ أَبِي شَيْبَةَ: عَنْ بَيْعِ ثَمَرِ سِنِينَ.

**[3931] 102 - (1544)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever has land, let him cultivate it or lend it to his brother, and if he insists, let him keep his land.'"

[٣٩٣١] ١٠٢-(١٥٤٤) وَحَدَّثَنَا حَسَنُ [بْنُ عَلِيٍّ] الْحُلْوَانِيُّ: حَدَّثَنَا أَبُو تَوْبَةَ: حَدَّثَنَا مُعَاوِيَةُ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَلْيَزْرَعْهَا أَوْ لِيَمْنَحْهَا أَخَاهُ، فَإِنْ أَبَىٰ فَلْيُمْسِكْ أَرْضَهُ».

**[3932] 103 - (1536)** Jâbir bin 'Abdullâh narrated that he heard the Messenger of Allâh ﷺ

[٣٩٣٢] ١٠٣-(١٥٣٦) حَدَّثَنَا الْحَسَنُ الْحُلْوَانِيُّ: حَدَّثَنَا أَبُو تَوْبَةَ عَنْ

forbidding *Muzâbanah* and *Ḥuqûl*. Jâbir bin 'Abdullâh said: "*Muzâbanah* means selling fresh dates for dried dates, and *Ḥuqûl* means leasing out land (*Kirâ'*)."

مُعَاوِيَةَ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ؛ أَنَّ يَزِيدَ ابْنَ نُعَيْمٍ أَخْبَرَهُ؛ أَنَّ جَابِرَ بْنَ عَبْدِ اللهِ أَخْبَرَهُ؛ أَنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ يَنْهَى عَنِ الْمُزَابَنَةِ وَالْحُقُولِ، فَقَالَ جَابِرُ بْنُ عَبْدِ اللهِ: الْمُزَابَنَةُ: الثَّمَرُ بِالتَّمْرِ، وَالْحُقُولُ: كِرَاءُ الْأَرْضِ. [راجع: ٣٨٧١]

**[3933] 104 - (1545)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ forbade *Muḥâqalah* and *Muzâbanah*."

**[٣٩٣٣] ١٠٤-(١٥٤٥) حَدَّثَنَا قُتَيْبَةُ** ابْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَٰنِ الْقَارِيَّ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُحَاقَلَةِ وَالْمُزَابَنَةِ.

**[3934] 105 - (1546)** Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ forbade *Muzâbanah* and *Muḥâqalah*. *Muzâbanah* means buying dates on the tops of the palm trees and *Muḥâqalah* means leasing out land."

**[٣٩٣٤] ١٠٥-(١٥٤٦) وحَدَّثَنِي** أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَالِكُ بْنُ أَنَسٍ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ؛ أَنَّ أَبَا سُفْيَانَ مَوْلَى ابْنِ أَبِي أَحْمَدَ أَخْبَرَهُ؛ أَنَّهُ سَمِعَ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْمُزَابَنَةِ وَالْمُحَاقَلَةِ، وَالْمُزَابَنَةُ اشْتِرَاءُ الثَّمَرِ فِي رُءُوسِ النَّخْلِ، وَالْمُحَاقَلَةُ: كِرَاءُ الْأَرْضِ.

**[3935] 106 - (1547)** It was narrated that 'Amr said: "I heard Ibn 'Umar say: 'We did not see anything wrong with renting out land until last year, then Râfi' said that the Prophet of Allâh ﷺ had forbidden it.'"

**[٣٩٣٥] ١٠٦-(١٥٤٧) وَحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ وَأَبُو الرَّبِيعِ الْعَتَكِيُّ - قَالَ أَبُو الرَّبِيعِ: حَدَّثَنَا، وَقَالَ يَحْيَىٰ: أَخْبَرَنَا - حَمَّادُ بْنُ زَيْدٍ عَنْ عَمْرٍو قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: كُنَّا لَا نَرَىٰ

بِالْخُبْرِ بَأْسًا، حَتَّىٰ كَانَ عَامُ أَوَّلَ، فَزَعَمَ رَافِعٌ أَنَّ نَبِيَّ اللهِ ﷺ نَهَىٰ عَنْهُ. [انظر: ٣٩٥١]

**[3936] 107 - (...)** A similar report (as no. 3935) was narrated from 'Amr bin Dînâr with this chain. In the *Hadîth* of Ibn 'Uyaynah it adds: "So we stopped it because of that."

**[٣٩٣٦] ١٠٧-(. . .) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ؛ وَحَدَّثَنِي عَلِيُّ بْنُ حُجْرٍ وَإِبْرَاهِيمُ بْنُ دِينَارٍ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ عُلَيَّةَ، عَنْ أَيُّوبَ؛ وَحَدَّثَنَا إِسْحٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا وَكِيعٌ: حَدَّثَنَا سُفْيَانُ، كُلُّهُمْ عَنْ عَمْرِو بْنِ دِينَارٍ، بِهٰذَا الْإِسْنَادِ مِثْلَهُ، وَزَادَ فِي حَدِيثِ ابْنِ عُيَيْنَةَ: فَتَرَكْنَاهُ مِنْ أَجْلِهِ.

**[3937] 108 - (...)** It was narrated that Mujâhid said: "Ibn 'Umar said: 'Râfi' stopped us from benefiting from our land.'"

**[٣٩٣٧] ١٠٨-(. . .) وحَدَّثَنِي** عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا إِسْمَاعِيلُ عَنْ أَيُّوبَ، عَنْ أَبِي الْخَلِيلِ، عَنْ مُجَاهِدٍ قَالَ: قَالَ ابْنُ عُمَرَ: لَقَدْ مَنَعَنَا رَافِعٌ نَفْعَ أَرْضِنَا.

**[3938] 109 - (...)** It was narrated from Nâfi' that Ibn 'Umar used to lease out his farmland at the time of the Prophet ﷺ and during the leadership of Abû Bakr, 'Umar and 'U<u>th</u>mân, and the beginning of the leadership of Mu'âwiyah. Until, at the end of the leadership of Mu'âwiyah, he heard that Râfi' bin <u>Kh</u>adîj narrated a *Hadîth* in which (he mentioned) it was forbidden by the Prophet ﷺ. He entered upon him, when I was with

**[٣٩٣٨] ١٠٩-(. . .) وحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا يَزِيدُ بْنُ زُرَيْعٍ عَنْ أَيُّوبَ، عَنْ نَافِعٍ؛ أَنَّ ابْنَ عُمَرَ كَانَ يُكْرِي مَزَارِعَهُ عَلَىٰ عَهْدِ النَّبِيِّ ﷺ، وَفِي إِمَارَةِ أَبِي بَكْرٍ وَعُمَرَ وَعُثْمَانَ، وَصَدْرًا مِنْ خِلَافَةِ مُعَاوِيَةَ، حَتَّىٰ بَلَغَهُ فِي آخِرِ خِلَافَةِ مُعَاوِيَةَ أَنَّ رَافِعَ بْنَ خَدِيجٍ يُحَدِّثُ فِيهَا بِنَهْيٍ عَنِ النَّبِيِّ ﷺ، فَدَخَلَ عَلَيْهِ

him, and asked him. He said: "The Messenger of Allâh ﷺ forbade leasing out farmland." Then Ibn 'Umar stopped doing that.

When he was asked about that afterwards he said: "Râfi' bin Khadîj said that the Messenger of Allâh ﷺ forbade it."

وَأَنَا مَعَهُ، فَسَأَلَهُ فَقَالَ: كَانَ رَسُولُ اللهِ ﷺ يَنْهَىٰ عَنْ كِرَاءِ الْمَزَارِعِ، فَتَرَكَهَا ابْنُ عُمَرَ بَعْدُ.

فَكَانَ إِذَا سُئِلَ عَنْهَا، بَعْدُ، قَالَ: زَعَمَ رَافِعُ بْنُ خَدِيجٍ، أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْهَا.

**[3939] (...)** A similar report (as no. 3938) was narrated from Ayyûb with this chain. In the *Hadîth* of Ibn 'Ulayyah it adds: "He said: 'Ibn 'Umar stopped doing it after that, and he did not lease it out.'"

**[٣٩٣٩]** (. . .) **وحَدَّثنا** أَبُو الرَّبِيعِ وأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ؛ وَحَدَّثَنِي عَلِيُّ بْنُ حُجْرٍ. حَدَّثَنَا إِسْمَاعِيلُ، كِلَاهُمَا عَنْ أَيُّوبَ بِهَـٰذَا الْإِسْنَادِ مِثْلَهُ، وَزَادَ فِي حَدِيثِ ابْنِ عُلَيَّةَ: قَالَ: فَتَرَكَهَا ابْنُ عُمَرَ بَعْدَ ذَٰلِكَ، فَكَانَ لَا يُكْرِيهَا.

**[3940] 110 - (...)** It was narrated that Nâfi' said: "I went with Ibn 'Umar to Râfi' bin Khadîj in Al-Balâț, and he told him that the Messenger of Allâh ﷺ forbade leasing out farmland."

**[٣٩٤٠] ١١٠-**(. . .) **وحَدَّثنا** ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ قَالَ: ذَهَبْتُ مَعَ ابْنِ عُمَرَ إِلَىٰ رَافِعِ ابْنِ خَدِيجٍ حَتَّىٰ أَتَاهُ بِالْبَلَاطِ، فَأَخْبَرَهُ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ كِرَاءِ الْمَزَارِعِ.

**[3941] (...)** It was narrated from Ibn 'Umar that he went to Râfi'... and he narrated this *Hadîth* (no. 3940) from the Prophet ﷺ.

**[٣٩٤١]** (. . .) **وحَدَّثَني** ابْنُ أَبِي خَلَفٍ وَحَجَّاجُ بْنُ الشَّاعِرِ قَالَا: حَدَّثَنَا زَكَرِيَّاءُ بْنُ عَدِيٍّ: أَخْبَرَنَا عُبَيْدُ اللهِ بْنُ عَمْرٍو عَنْ زَيْدٍ، عَنِ الْحَكَمِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّهُ أَتَىٰ رَافِعًا، فَذَكَرَ هَـٰذَا الْحَدِيثَ عَنِ النَّبِيِّ ﷺ.

**[3942] 111 - (...)** It was narrated from Nâfi' that Ibn 'Umar used to rent out land. Then he was told a *Ḥadîth* from Râfi' bin Khadîj. He said to him: "Come with me," and we went to him, and he narrated from some of his paternal uncles and said that the Prophet ﷺ had forbidden leasing out land. Then Ibn 'Umar stopped doing that and he did not rent it out.

**[٣٩٤٢] ١١١-(...) حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا حُسَيْنٌ يَعْنِي بْنَ حَسَنِ ابْنِ يَسَارٍ: حَدَّثَنَا ابْنُ عَوْنٍ عَنْ نَافِعٍ؛ أَنَّ ابْنَ عُمَرَ كَانَ يَأْجُرُ الْأَرْضَ - قَالَ -: فَنُبِّىءَ حَدِيثًا عَنْ رَافِعِ [ابْنِ خَدِيجٍ] - قَالَ -: فَانْطَلَقَ بِي مَعَهُ إِلَيْهِ - قَالَ -: فَذَكَرَ عَنْ بَعْضِ عُمُومَتِهِ، ذَكَرَ فِيهِ [عَنِ] النَّبِيِّ ﷺ، أَنَّهُ نَهَىٰ عَنْ كِرَاءِ الْأَرْضِ - قَالَ -: فَتَرَكَهُ ابْنُ عُمَرَ فَلَمْ يَأْجُرْ[هُ].

**[3943] (...)** Ibn 'Awn narrated (a *Ḥadîth* as no. 3942) it with this chain, and he said: "He (Râfi') narrated to him from some of his paternal uncles, from the Prophet ﷺ."

**[٣٩٤٣] (...) وَحَدَّثَنِيهِ** مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا يَزِيدُ بْنُ هَٰرُونَ: حَدَّثَنَا ابْنُ عَوْنٍ، بِهَٰذَا الْإِسْنَادِ [وَ]قَالَ: فَحَدَّثَهُ عَنْ بَعْضِ عُمُومَتِهِ عَنِ النَّبِيِّ ﷺ.

**[3944] 112 - (...)** Sâlim bin 'Abdullâh narrated that 'Abdullâh bin 'Umar used to lease out his land, until he heard that Râfi' bin Khadîj Al-Anṣârî forbade leasing out land. 'Abdullâh met him and said: "O Ibn Khadîj, what are you narrating from the Messenger of Allâh ﷺ about leasing out land?" Râfi' bin Khadîj said to 'Abdullâh: "I heard my two paternal uncles, who had been present at (the battle of) Badr, narrating to the family, that the Messenger of Allâh ﷺ forbade leasing out land." 'Abdullâh said: "At the time of the Messenger of Allâh ﷺ I knew that land could be leased

**[٣٩٤٤] ١١٢-(...) وحَدَّثَنِي** عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ بْنِ اللَّيْثِ بْنِ سَعْدٍ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي عُقَيْلُ بْنُ خَالِدٍ عَنِ ابْنِ شِهَابٍ؛ أَنَّهُ قَالَ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللهِ: أَنَّ عَبْدَ اللهِ بْنَ عُمَرَ كَانَ يُكْرِي أَرَضِيهِ، حَتَّىٰ بَلَغَهُ أَنَّ رَافِعَ ابْنَ خَدِيجٍ الْأَنْصَارِيَّ كَانَ يَنْهَىٰ عَنْ كِرَاءِ الْأَرْضِ، فَلَقِيَهُ عَبْدُ اللهِ فَقَالَ: يَا ابْنَ خَدِيجٍ! مَاذَا تُحَدِّثُ عَنْ رَسُولِ اللهِ ﷺ فِي كِرَاءِ الْأَرْضِ؟ قَالَ رَافِعُ بْنُ خَدِيجٍ لِعَبْدِ اللهِ: سَمِعْتُ عَمَّيَّ وَكَانَا قَدْ شَهِدَا

out." Then 'Abdullâh was afraid that the Messenger of Allâh ﷺ had said something new that he did not know of, so he stopped leasing out land.

بَدْرًا يُحَدِّثَانِ أَهْلَ الدَّارِ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ كِرَاءِ الْأَرْضِ. قَالَ عَبْدُ اللهِ: لَقَدْ كُنْتُ أَعْلَمُ فِي عَهْدِ رَسُولِ اللهِ ﷺ، أَنَّ الْأَرْضَ تُكْرَىٰ، ثُمَّ خَشِيَ عَبْدُ اللهِ أَنْ يَكُونَ رَسُولُ اللهِ ﷺ أَحْدَثَ فِي ذٰلِكَ شَيْئًا لَمْ يَكُنْ عَلِمَهُ، فَتَرَكَ كِرَاءَ الْأَرْضِ.

## Chapter 18. Leasing Out Land (*Kirâ'*) In Return For Food

## (المعجم ١٨) - (بَابُ كراء الأرض بالطعام) (التحفة ١٨)

**[3945] 113 - (1548)** It was narrated that Râfi' bin Khadîj said: "We used to rent land at the time of the Messenger of Allâh ﷺ, leasing it for one-third or one-quarter (of the yield of a specified crop) and a specified amount of food. Then one day, one of my paternal uncles came to us and said: 'The Messenger of Allâh ﷺ has forbidden to us something that was beneficial to us, but obedience to Allâh and His Messenger is more beneficial to us. He forbade us to rent land and lease it for one-third or one-quarter (of the yield of a specified crop) and a specified amount of food, and he ordered the owner of the land to cultivate it or let it be cultivated, and he disliked leasing it out or anything else.'"

**[٣٩٤٥] ١١٣-(١٥٤٨)** وحَدَّثَني عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ وَيَعْقُوبُ ابْنُ إِبْرَاهِيمَ قَالَا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ عُلَيَّةَ، عَنْ أَيُّوبَ، عَنْ يَعْلَى ابْنِ حَكِيمٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: كُنَّا نُحَاقِلُ الْأَرْضَ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، فَنُكْرِيهَا بِالثُّلُثِ وَالرُّبُعِ وَالطَّعَامِ الْمُسَمَّىٰ، فَجَاءَنَا ذَاتَ يَوْمٍ رَجُلٌ مِنْ عُمُومَتِي فَقَالَ: نَهَانَا رَسُولُ اللهِ ﷺ عَنْ أَمْرٍ كَانَ لَنَا نَافِعًا، وَطَوَاعِيَةُ اللهِ وَرَسُولِهِ أَنْفَعُ لَنَا، نَهَانَا أَنْ نُحَاقِلَ بِالْأَرْضِ فَنُكْرِيَهَا عَلَىٰ الثُّلُثِ وَالرُّبُعِ وَالطَّعَامِ الْمُسَمَّىٰ، وَأَمَرَ رَبَّ الْأَرْضِ أَنْ يَزْرَعَهَا أَوْ يُزْرِعَهَا، وَكَرِهَ كِرَاءَهَا، وَمَا سِوَىٰ ذٰلِكَ.

[3946] (...) It was narrated that Râfi' bin Khadîj said: "We used to rent land and lease it for one-third or one-quarter..." then he narrated a *Hadîth* like that of Ibn 'Ulayyah (no. 3945).

[٣٩٤٦] (...) وحَدَّثَنَاهُ يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ قَالَ: كَتَبَ إِلَيَّ يَعْلَى بْنُ حَكِيمٍ قَالَ: سَمِعْتُ سُلَيْمَانَ بْنَ يَسَارٍ يُحَدِّثُ عَنْ رَافِعِ ابْنِ خَدِيجٍ. قَالَ: كُنَّا نُحَاقِلُ بِالْأَرْضِ فَنُكْرِيهَا عَلَىٰ الثُّلُثِ وَالرُّبُعِ، ثُمَّ ذَكَرَ بِمِثْلِ حَدِيثِ ابْنِ عُلَيَّةَ.

[3947] (...) A similar report (as no. 3945) was narrated from Ya'la bin Hakîm, with this chain.

[٣٩٤٧] (...) وحَدَّثَنَا يَحْيَى بْنُ حَبِيبٍ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ؛ وَحَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدَةُ، كُلُّهُمْ عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ يَعْلَى بْنِ حَكِيمٍ بِهَٰذَا الْإِسْنَادِ مِثْلَهُ.

[3948] (...) It was narrated from Râfi' bin Khadîj from the Prophet ﷺ (a *Hadîth* similar to no. 3945) but he did not say: "From some of his paternal uncles."

[٣٩٤٨] (...) وَحَدَّثَنِيهِ أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي جَرِيرُ بْنُ حَازِمٍ، عَنْ يَعْلَى بْنِ حَكِيمٍ بِهَٰذَا الْإِسْنَادِ، عَنْ رَافِعٍ [ابْنِ خَدِيجٍ] عَنِ النَّبِيِّ ﷺ، وَلَمْ يَقُلْ: عَنْ بَعْضِ عُمُومَتِهِ.

[3949] 114 - (...) It was narrated from Abû An-Najâshî, the freed slave of Râfi' bin Khadîj, from Râfi', that Zuhair bin Râfi' - who was his paternal uncle - (He) said: "Zuhair came to me and said: 'The Messenger of Allâh ﷺ forbade something that was beneficial for us.' I said: 'What is that? Whatever the Messenger of

[٣٩٤٩] ١١٤-(...) حَدَّثَنِي إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا أَبُو مُسْهِرٍ: حَدَّثَنَا يَحْيَى بْنُ حَمْزَةَ: حَدَّثَنِي أَبُو عَمْرٍو الْأَوْزَاعِيُّ عَنْ أَبِي النَّجَاشِيِّ مَوْلَىٰ رَافِعِ ابْنِ خَدِيجٍ، عَنْ رَافِعٍ؛ أَنَّ ظُهَيْرَ ابْنَ رَافِعٍ - وَهُوَ عَمُّهُ - قَالَ: أَتَانِي

Allâh ﷺ says is right.' He said: 'He asked me: "What do you do with your fields?" I said: "We rent them, O Messenger of Allâh, in return for (what grows on the edge) of the spring, or for several *Wasq* of dates or barley." He said: "Do not do that. Cultivate them, or let them be cultivated by others, or keep them."

ظُهَيْرٌ فَقَالَ: لَقَدْ نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ أَمْرٍ كَانَ بِنَا رَافِقًا. فَقُلْتُ: وَمَا ذَاكَ؟ مَا قَالَ رَسُولُ اللهِ ﷺ فَهُوَ حَقٌّ - قَالَ -: سَأَلَنِي كَيْفَ تَصْنَعُونَ بِمَحَاقِلِكُمْ؟ فَقُلْتُ: نُؤَاجِرُهَا، يَا رَسُولَ اللهِ! عَلَىٰ الرَّبِيعِ أَوِ الْأَوْسُقِ مِنَ التَّمْرِ أَوِ الشَّعِيرِ قَالَ: «فَلَا تَفْعَلُوا، ازْرَعُوهَا، أَوْ أَزْرِعُوهَا، أَوْ أَمْسِكُوهَا».

**[3950]** **(...)** This was narrated from Râfi' from the Prophet ﷺ, (a *Ḥadîth* similar to no. 3949) but he did not say: "From the paternal uncle of Zuhair."

[٣٩٥٠] (...) **حَدَّثَنَا** مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ، عَنْ عِكْرِمَةَ بْنِ عَمَّارٍ، عَنْ أَبِي النَّجَاشِيِّ، عَنْ رَافِعٍ عَنِ النَّبِيِّ ﷺ بِهَٰذَا وَلَمْ يَذْكُرْ: عَنْ عَمِّهِ ظُهَيْرٍ.

## Chapter 19. Leasing Out Land (*Kirâ'*) For Gold And Silver

## (المعجم ١٩) - (بَابُ كراء الأرض بالذهب والورق) (التحفة ١٩)

**[3951] 115 - (1547)** It was narrated from Ḥanẓalah bin Qais that he asked Râfi' bin Khadîj about leasing out land. He said: "The Messenger of Allâh ﷺ forbade leasing out land." I said: "For gold and silver?" He said: "As for (leasing it for) gold and silver, there is nothing wrong with that."

[٣٩٥١] ١١٥-(١٥٤٧) **حَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَٰنِ، عَنْ حَنْظَلَةَ بْنِ قَيْسٍ؛ أَنَّهُ سَأَلَ رَافِعَ بْنَ خَدِيجٍ عَنْ كِرَاءِ الْأَرْضِ؟ فَقَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ كِرَاءِ الْأَرْضِ - قَالَ - فَقُلْتُ: أَبِالذَّهَبِ وَالْوَرِقِ؟ فَقَالَ: أَمَّا بِالذَّهَبِ وَالْوَرِقِ، فَلَا بَأْسَ بِهِ. [راجع: ٣٩٣٥]

**[3952] 116 - (...)** Hanzalah bin Qais Al-Anṣârî said: "I asked Râfi' bin Khadîj about leasing out land for gold and silver. He said: 'There is nothing wrong with that. Rather at the time of the Prophet ﷺ the people used to rent land in return for what grows along the water channels, and at the springs, and in some parts of the fields, but one part would be destroyed while another part would be safe, or vice versa, and this was the only way in which people leased out land. So this was forbidden. As for something that is specified and guaranteed, there is nothing wrong with it.'"

**[3953] 117 - (...)** It was narrated from Hanzalah Az-Zuraqî that he heard Râfi' bin Khadîj say: "We had the most land among the *Anṣâr*, and we used to lease out land on the basis that we would have the produce of this part, and they would have the produce of that, and perhaps one part would yield produce and the other part would not. So he forbade us to do that. As for silver, he did not forbid us."

**[3954] (...)** A similar report (as no. 3953) was narrated from Yahyâ bin Sa'eed, with this chain.

**[٣٩٥٢] ١١٦-(...)** **حَدَّثَنَا** إِسْحَاقُ: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا الْأَوْزَاعِيُّ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَٰنِ: حَدَّثَنِي حَنْظَلَةُ بْنُ قَيْسٍ الْأَنْصَارِيُّ قَالَ: سَأَلْتُ رَافِعَ بْنَ خَدِيجٍ عَنْ كِرَاءِ الْأَرْضِ بِالذَّهَبِ وَالْوَرِقِ؟ فَقَالَ: لَا بَأْسَ بِهِ، إِنَّمَا كَانَ النَّاسُ يُؤَاجِرُونَ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، عَلَىٰ الْمَاذِيَانَاتِ، وَأَقْبَالِ الْجَدَاوِلِ، وَأَشْيَاءَ مِنَ الزَّرْعِ، فَيَهْلِكُ هٰذَا وَيَسْلَمُ هٰذَا، وَيَسْلَمُ هٰذَا وَيَهْلِكُ هٰذَا، فَلَمْ يَكُنْ لِلنَّاسِ كِرَاءٌ إِلَّا هٰذَا، فَلِذَلِكَ زُجِرَ عَنْهُ، فَأَمَّا شَيْءٌ مَعْلُومٌ مَضْمُونٌ، فَلَا بَأْسَ بِهِ.

**[٣٩٥٣] ١١٧-(...)** **حَدَّثَنَا** عَمْرٌو النَّاقِدُ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ يَحْيَىٰ وَهُوَ ابْنُ سَعِيدٍ، عَنْ حَنْظَلَةَ الزُّرَقِيِّ؛ أَنَّهُ سَمِعَ رَافِعَ بْنَ خَدِيجٍ يَقُولُ: كُنَّا أَكْثَرَ الْأَنْصَارِ حَقْلًا - قَالَ - : كُنَّا نُكْرِي الْأَرْضَ عَلَىٰ أَنَّ لَنَا هٰذِهِ وَلَهُمْ هٰذِهِ، فَرُبَّمَا أَخْرَجَتْ هٰذِهِ وَلَمْ تُخْرِجْ هٰذِهِ، فَنَهَانَا عَنْ ذٰلِكَ، وَأَمَّا الْوَرِقُ فَلَمْ يَنْهَنَا.

**[٣٩٥٤] (...)** **حَدَّثَنَا** أَبُو الرَّبِيعِ: حَدَّثَنَا حَمَّادٌ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا

يَزِيدُ بْنُ هَٰرُونَ، جَمِيعًا عَنْ يَحْيَى بْنِ سَعِيدٍ، بِهَٰذَا الْإِسْنَادِ نَحْوَهُ.

## Chapter 20. *Muzâra'ah* (Sharecropping) And *Mu'âjarah* (lending)

## (المعجم ٢٠) - (بَابٌ فِي الْمزارعة والمؤاجرة) (التحفة ٢٠)

**[3955] 118 - (1549)** It was narrated that 'Abdullâh bin As-Sâ'ib said: "I asked 'Abdullâh bin Ma'qil about *Muzâra'ah*. He said: 'Thâbit bin Aḍ-Ḍaḥḥâk told me that the Messenger of Allâh ﷺ forbade *Muzâra'ah*.'" According to the report of Ibn Abî Shaibah: "He (ﷺ) forbade it." And he said: "I asked Ibn Ma'qil," but he did not name him as 'Abdullâh.

**[٣٩٥٥] ١١٨-(١٥٤٩) حَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا عَبْدُ الْوَاحِدِ ابْنُ زِيَادٍ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، كِلَيْهِمَا عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللهِ بْنِ السَّائِبِ قَالَ: سَأَلْتُ عَبْدَ اللهِ بْنَ مَعْقِلٍ عَنِ الْمُزَارَعَةِ؟ فَقَالَ: أَخْبَرَنِي ثَابِتُ بْنُ الضَّحَّاكِ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُزَارَعَةِ. وَفِي رِوَايَةِ ابْنِ أَبِي شَيْبَةَ: نَهَىٰ عَنْهَا. وَقَالَ: سَأَلْتُ ابْنَ مَعْقِلٍ، وَلَمْ يُسَمِّ عَبْدَ اللهِ.

**[3956] 119 - (...)** It was narrated that 'Abdullâh bin As-Sâ'ib said: "We entered upon 'Abdullâh bin Ma'qil and asked him about *Muzâra'ah*. He said: 'Thâbit said that the Messenger of Allâh ﷺ forbade *Muzâra'ah* and enjoined *Mu'âjarah* (renting out land), and he said: There is nothing wrong with it.'"

**[٣٩٥٦] ١١٩-(...) حَدَّثَنَا** إِسْحَٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا يَحْيَى بْنُ حَمَّادٍ: أَخْبَرَنَا أَبُو عَوَانَةَ عَنْ سُلَيْمَانَ الشَّيْبَانِيِّ، عَنْ عَبْدِ اللهِ بْنِ السَّائِبِ قَالَ: دَخَلْنَا عَلَىٰ عَبْدِ اللهِ بْنِ مَعْقِلٍ فَسَأَلْنَاهُ عَنِ الْمُزَارَعَةِ؟ فَقَالَ: زَعَمَ ثَابِتٌ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنِ الْمُزَارَعَةِ، وَأَمَرَ بِالْمُؤَاجَرَةِ، وَقَالَ: «لَا بَأْسَ بِهَا».

## Chapter 21. Lending Land

## (المعجم ٢١) - (بَابُ الأرض تمنح)

(التحفة ٢١)

**[3957] 120 - (1550)** It was narrated from 'Amr that Mujâhid said to Ṭâwûs: "Let us go to Ibn Râfi' bin Khadîj and listen to the *Hadîth* from his father, from the Prophet ﷺ." He said: "He rebuked him." He said: "By Allâh, if I had known that the Messenger of Allâh ﷺ forbade it, I would not have done it, but one who is more knowledgeable than them" - meaning Ibn 'Abbâs - "told me that the Messenger of Allâh ﷺ said: 'For a man to lend his land to his Muslim brother is better for him than taking a specified amount for it.'"

**[٣٩٥٧] ١٢٠-(١٥٥٠) حَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا حَمَّادُ بْنُ زَيْدٍ، عَنْ عَمْرٍو أَنَّ مُجَاهِدًا قَالَ لِطَاوُسٍ: انْطَلِقْ بِنَا إِلَىٰ ابْنِ رَافِعِ بْنِ خَدِيجٍ، فَاسْمَعْ مِنْهُ الْحَدِيثَ عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ - قَالَ - فَانْتَهَرَهُ - قَالَ -: إِنِّي وَاللهِ! لَوْ أَعْلَمُ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْهُ مَا فَعَلْتُهُ، وَلٰكِنْ حَدَّثَنِي مَنْ هُوَ أَعْلَمُ بِهِ مِنْهُمْ يَعْنِي ابْنَ عَبَّاسٍ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَأَنْ يَمْنَحَ الرَّجُلُ أَخَاهُ أَرْضَهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ عَلَيْهَا خَرْجًا مَعْلُومًا».

**[3958] 121 - (...)** It was narrated from Ṭâwûs that he used to rent out (*Yukhâbir*) his land. 'Amr said: "I said to him: 'O Abû 'Abdur-Raḥmân, why don't you stop this renting, for they are saying that the Prophet ﷺ forbade renting out land?' He said: 'O 'Amr, the most knowledgeable of them of that' - meaning Ibn 'Abbâs - 'told me that the Prophet ﷺ did not forbid it, rather he said: For one of you to lend his land to his brother is better for him than renting it out for a specified amount."

**[٣٩٥٨] ١٢١-(...) وحَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو، وَابْنُ طَاوُسٍ عَنْ طَاوُسٍ أَنَّهُ كَانَ يُخَابِرُ. قَالَ عَمْرٌو: فَقُلْتُ لَهُ: يَا أَبَا عَبْدِ الرَّحْمٰنِ! لَوْ تَرَكْتَ هٰذِهِ الْمُخَابَرَةَ فَإِنَّهُمْ يَزْعُمُونَ أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنِ الْمُخَابَرَةِ. فَقَالَ: أَيْ عَمْرُو! أَخْبَرَنِي أَعْلَمُهُمْ بِذٰلِكَ يَعْنِي ابْنَ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ لَمْ يَنْهَ عَنْهَا، إِنَّمَا قَالَ: «يَمْنَحُ أَحَدُكُمْ أَخَاهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ عَلَيْهَا خَرْجًا مَعْلُومًا».

**[3959]** (...) A *Hadîth* similar to theirs (i.e. Ibn Ṭâwûs and Ibn 'Amr' no. 3959) was narrated from Ibn 'Abbâs from the Prophet ﷺ.

**[٣٩٥٩]** ( . . . ) **حَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا الثَّقَفِيُّ عَنْ أَيُّوبَ؛ وَحَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَإِسْحٰقُ بْنُ إِبْرَاهِيمَ، جَمِيعًا عَنْ وَكِيعٍ، عَنْ سُفْيَانَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنِ ابْنِ جُرَيْجٍ؛ وَحَدَّثَنِي عَلِيُّ بْنُ حُجْرٍ: حَدَّثَنَا الْفَضْلُ بْنُ مُوسَىٰ عَنْ شَرِيكٍ، عَنْ شُعْبَةَ، كُلُّهُمْ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِهِمْ.

**[3960] 122** - (...) It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "If one of you were to lend his land to his brother, that would be better for him than taking such and such for it" meaning a specified amount.

**[٣٩٦٠] ١٢٢**-( . . . ) **وحَدَّثَنِي** عَبْدُ ابْنُ حُمَيْدٍ وَمُحَمَّدُ بْنُ رَافِعٍ - قَالَ عَبْدٌ: أَخْبَرَنَا، وَقَالَ ابْنُ رَافِعٍ: حَدَّثَنَا - عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «لأَنْ يَمْنَحَ أَحَدُكُمْ أَخَاهُ أَرْضَهُ خَيْرٌ لَهُ مِنْ أَنْ يَأْخُذَ عَلَيْهَا كَذَا وَكَذَا» لِشَيْءٍ مَعْلُومٍ.

قَالَ: وَقَالَ ابْنُ عَبَّاسٍ: هُوَ الْحَقْلُ، وَ هُوَ بِلِسَانِ الأَنْصَارِ الْمُحَاقَلَةُ.

**[3961] 123** - (...) It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "Whoever has land, if he lends it to his brother, that is better for him."

**[٣٩٦١] ١٢٣**-( . . . ) **وحَدَّثَنَا** عَبْدُ اللهِ بْنُ عَبْدِ الرَّحْمَٰنِ الدَّارِمِيُّ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ جَعْفَرٍ الرَّقِّيُّ: حَدَّثَنَا عُبَيْدُ اللهِ بْنُ عَمْرٍو، عَنْ زَيْدِ بْنِ أَبِي أُنَيْسَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ زَيْدٍ، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ كَانَتْ لَهُ أَرْضٌ فَإِنَّهُ إِنْ مَنَحَهَا أَخَاهُ خَيْرٌ لَهُ».

# 22. The Book Of *Musâqâ* And *Mu'âmalah*

# ٧ - (المعجم ٢٢) - كتاب المساقاة والمزارعة (التحفة ...)

## Chapter 1. *Musâqâh* And *Mu'âmalah* In Return For A Share Of The Fruit And Crops

## (المعجم ١) - (بَابُ المساقاة والمعاملة بجزء من الثمر والزرع) (التحفة ٢٢)

**[3962] 1 - (1551)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ made a contract with the people of Khaibar for half of the fruit or crops produced.

**[٣٩٦٢] ١-(١٥٥١)** حَدَّثَنَا أَحْمَدُ ابْنُ حَنْبَلٍ وَزُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لِزُهَيْرٍ - قَالَا: حَدَّثَنَا يَحْيَىٰ وَهُوَ الْقَطَّانُ، عَنْ عُبَيْدِ اللهِ: أَخْبَرَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ عَامَلَ أَهْلَ خَيْبَرَ بِشَطْرِ مَا يَخْرُجُ مِنْهَا مِنْ ثَمَرٍ أَوْ زَرْعٍ.

**[3963] 2 - (...)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ handed over Khaibar in return for half of the fruit or crops that it produced. Every year his wives would be given one hundred *Wasq*: Eighty *Wasq* of dates and twenty of barley. When 'Umar was in charge, he divided Khaibar, and he gave the wives of the Prophet ﷺ the choice of having land and water allotted to them, or continuing to receive the same number of *Wasq* every year. They differed. Some of them chose land and water, and some of them chose to be given

**[٣٩٦٣] ٢-(...)** وحَدَّثَنِي عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ: حَدَّثَنَا عَلِيٌّ وَهُوَ ابْنُ مُسْهِرٍ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: أَعْطَىٰ رَسُولُ اللهِ ﷺ خَيْبَرَ بِشَطْرِ مَا يَخْرُجُ مِنْهَا مِنْ ثَمَرٍ أَوْ زَرْعٍ، فَكَانَ يُعْطِي أَزْوَاجَهُ كُلَّ سَنَةٍ مِائَةَ وَسْقٍ: ثَمَانِينَ وَسْقًا مِنْ تَمْرٍ، وَعِشْرِينَ وَسْقًا مِنْ شَعِيرٍ، فَلَمَّا وَلِيَ عُمَرُ قَسَمَ خَيْبَرَ، خَيَّرَ أَزْوَاجَ النَّبِيِّ ﷺ، أَنْ يُقْطِعَ لَهُنَّ الْأَرْضَ وَالْمَاءَ، أَوْ يَضْمَنَ لَهُنَّ الْأَوْسَاقَ كُلَّ عَامٍ، فَاخْتَلَفْنَ، فَمِنْهُنَّ مَنِ

*Wasq* every year. 'Âishah and Hafṣah were among those who chose land and water."

اخْتَارَ الأَرْضَ وَالْمَاءَ، وَمِنْهُنَّ مَنِ اخْتَارَ الأَوْسَاقَ كُلَّ عَامٍ، فَكَانَتْ عَائِشَةُ وَحَفْصَةُ مِمَّنِ اخْتَارَتَا الأَرْضَ وَالْمَاءَ.

**[3964] 3 - (...)** It was narrated from 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ made a contract with the people of Khaibar for one half of the crops or fruit produced... and he quoted a *Hadîth* like that of 'Alî bin Mushir, but he did not mention that 'Âishah and Hafṣah were among those who chose land and water. He said: "He gave the wives of the Prophet ﷺ the option of having land allocated to them," but he did not mention water.

**[٣٩٦٤] ٣-(...) وحَدَّثَنَا** ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ: حَدَّثَنِي نَافِعٌ عَنْ عَبْدِ اللهِ بْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ عَامَلَ أَهْلَ خَيْبَرَ بِشَطْرِ مَا خَرَجَ مِنْهَا مِنْ زَرْعٍ أَوْ ثَمَرٍ، وَاقْتَصَّ الْحَدِيثَ بِنَحْوِ حَدِيثِ عَلِيِّ ابْنِ مُسْهِرٍ، وَلَمْ يَذْكُرْ: فَكَانَتْ عَائِشَةُ وَحَفْصَةُ مِمَّنِ اخْتَارَتَا الأَرْضَ وَالْمَاءَ، وَقَالَ: خَيَّرَ أَزْوَاجَ النَّبِيِّ ﷺ أَنْ يُقْطِعَ لَهُنَّ الأَرْضَ، وَلَمْ يَذْكُرِ الْمَاءَ.

**[3965] 4 - (...)** It was narrated that 'Abdullâh bin 'Umar said: "When Khaibar was conquered, the Jews asked the Messenger of Allâh ﷺ to let them stay there on the basis that they would work in the fields and give him half of the fruit or crops that they yielded. The Messenger of Allâh ﷺ said: 'I will let you stay there for as long as we wish.'" Then he (the sub narrator) quoted a *Hadîth* like that of Ibn Numair and Ibn Mushir from 'Ubaidullâh, and he added: "The produce would be divided into shares and the Messenger of Allâh ﷺ would take the *Khums*."

**[٣٩٦٥] ٤-(...) وحَدَّثَنِي** أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي أُسَامَةُ بْنُ زَيْدٍ اللَّيْثِيُّ عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ قَالَ: لَمَّا فُتِحَتْ خَيْبَرُ سَأَلَتْ يَهُودُ رَسُولَ اللهِ ﷺ أَنْ يُقِرَّهُمْ فِيهَا، عَلَىٰ أَنْ يَعْمَلُوا عَلَىٰ نِصْفِ مَا خَرَجَ مِنْهَا مِنَ الثَّمَرِ وَالزَّرْعِ، فَقَالَ رَسُولُ اللهِ ﷺ: «أُقِرُّكُمْ فِيهَا عَلَىٰ ذَٰلِكَ مَا شِئْنَا» ثُمَّ سَاقَ الْحَدِيثَ بِنَحْوِ حَدِيثِ ابْنِ نُمَيْرٍ وَابْنِ مُسْهِرٍ عَنْ عُبَيْدِ اللهِ. وَزَادَ فِيهِ: وَكَانَ الثَّمَرُ يُقْسَمُ عَلَىٰ السُّهْمَانِ مِنْ

نِصْفِ خَيْبَرَ، فَيَأْخُذُ رَسُولُ اللهِ ﷺ الْخُمُسَ.

[3966] 5 - (...) It was narrated from 'Abdullâh bin 'Umar that the Messenger of Allâh ﷺ gave the palm trees and land of Khaibar to the Jews of Khaibar on the basis that they would cultivate them at their own expense, and the Messenger of Allâh ﷺ would have half of the yield.

[٣٩٦٦] ٥-(...) وحَدَّثَنَا ابْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمٰنِ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ عَنْ رَسُولِ اللهِ ﷺ؛ أَنَّهُ دَفَعَ إِلَىٰ يَهُودِ خَيْبَرَ نَخْلَ خَيْبَرَ وَأَرْضَهَا، عَلَىٰ أَنْ يَعْتَمِلُوهَا مِنْ أَمْوَالِهِمْ، وَلِرَسُولِ اللهِ ﷺ شَطْرُ ثَمَرِهَا.

[3967] 6 - (...) It was narrated from Ibn 'Umar that 'Umar bin Al-Khaṭṭâb expelled the Jews and Christians from the land of Al-Ḥijâz. When the Messenger of Allâh ﷺ conquered Khaibar, he wanted to expel the Jews from it, as the land had come under the sway of Allâh, His Messenger and the Muslims. He wanted to expel the Jews from it but the Jews asked the Messenger of Allâh ﷺ to let them stay there on the basis that they would cultivate it, and they would have half of the yield. The Messenger of Allâh ﷺ said to them: "We will let you stay there on that basis, for as long as we wish." And they stayed there until 'Umar expelled them to Taimâ' and Arîḥâ'.

[٣٩٦٧] ٦-(...) وحَدَّثَنِي مُحَمَّدُ ابْنُ رَافِعٍ وَإِسْحٰقُ بْنُ مَنْصُورٍ - وَاللَّفْظُ لِابْنِ رَافِعٍ - قَالَا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: حَدَّثَنِي مُوسَى بْنُ عُقْبَةَ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ عُمَرَ ابْنَ الْخَطَّابِ أَجْلَى الْيَهُودَ وَالنَّصَارَىٰ مِنْ أَرْضِ الْحِجَازِ، وَأَنَّ رَسُولَ اللهِ ﷺ لَمَّا ظَهَرَ عَلَىٰ خَيْبَرَ أَرَادَ إِخْرَاجَ الْيَهُودِ مِنْهَا، وَكَانَتِ الْأَرْضُ، حِينَ ظُهِرَ عَلَيْهَا، للهِ عَزَّ وَجَلَّ وَلِرَسُولِهِ ﷺ وَلِلْمُسْلِمِينَ، فَأَرَادَ إِخْرَاجَ الْيَهُودِ مِنْهَا، فَسَأَلَتِ الْيَهُودُ رَسُولَ اللهِ ﷺ أَنْ يُقِرَّهُمْ بِهَا، عَلَىٰ أَنْ يَكْفُوا عَمَلَهَا، وَلَهُمْ نِصْفُ الثَّمَرِ. فَقَالَ لَهُمْ رَسُولُ اللهِ ﷺ: «نُقِرُّكُمْ بِهَا عَلَىٰ ذٰلِكَ، مَا شِئْنَا» فَقَرُّوا بِهَا حَتَّىٰ أَجْلَاهُمْ عُمَرُ إِلَىٰ تَيْمَاءَ وَأَرِيحَاءَ.

## Chapter 2. The Virtue Of Planting And Cultivating

**[3968] 7 - (1552)** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ said: 'There is no Muslim who plants something but whatever is eaten of it is charity for him, and whatever is stolen from it is charity for him, and whatever the wild animals eat from it is charity for him, and whatever the birds eat from it is charity for him; no one takes anything from it but it will be charity for him.'"

**[3969] 8 - (...)** It was narrated from Jâbir that the Prophet ﷺ entered upon Umm Mubash-shir Al-Anṣârîyyah among her palm trees, and the Prophet ﷺ said to her: "Who planted these palm trees? Was it a Muslim or a disbeliever?" She said: "A Muslim." He said: "No Muslim plants anything or cultivates anything, and humans, animals or anything eats from it, but it will be charity for him."

**[3970] 9 - (...)** Jâbir bin 'Abdullâh said: "I heard the Messenger of Allâh ﷺ say: 'No Muslim man plants anything or cultivates anything that a wild animal or bird or anything eats

## (المعجم ٢) - (بَابُ فضل الغرس والزرع) (التحفة ٢٣)

[٣٩٦٨] ٧-(١٥٥٢) **حَدَّثَنَا** ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عَبْدُ الْمَلِكِ عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَا مِنْ مُسْلِمٍ يَغْرِسُ غَرْسًا إِلَّا كَانَ مَا أُكِلَ مِنْهُ لَهُ صَدَقَةٌ، وَمَا سُرِقَ مِنْهُ لَهُ صَدَقَةٌ، وَمَا أَكَلَ السَّبُعُ مِنْهُ فَهُوَ لَهُ صَدَقَةٌ، وَمَا أَكَلَتِ الطَّيْرُ فَهُوَ لَهُ صَدَقَةٌ، وَلَا يَرْزَؤُهُ أَحَدٌ إِلَّا كَانَ لَهُ صَدَقَةٌ».

[٣٩٦٩] ٨-(...) **وَحَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ؛ أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَىٰ أُمِّ مُبَشِّرٍ الْأَنْصَارِيَّةِ فِي نَخْلٍ لَهَا، فَقَالَ لَهَا النَّبِيُّ ﷺ: «مَنْ غَرَسَ هٰذَا النَّخْلَ؟ [أَ]مُسْلِمٌ أَمْ كَافِرٌ؟» فَقَالَتْ: بَلْ مُسْلِمٌ. فَقَالَ: «لَا يَغْرِسُ مُسْلِمٌ غَرْسًا، ولا يَزْرَعُ زَرْعًا، فَيَأْكُلَ مِنْهُ إِنْسَانٌ وَلَا دَابَّةٌ وَلَا شَيْءٌ، إِلَّا كَانَتْ لَهُ صَدَقَةٌ».

[٣٩٧٠] ٩-(...) **وحَدَّثَنِي** مُحَمَّدُ ابْنُ حَاتِمٍ وَابْنُ أَبِي خَلَفٍ قَالَا: حَدَّثَنَا رَوْحٌ: حَدَّثَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي أَبُو الزُّبَيْرِ؛ أَنَّهُ سَمِعَ جَابِرَ ابنَ عَبْدِ اللهِ

from, but he will have a reward for that.'"

يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «لَا يَغْرِسُ رَجُلٌ مُسْلِمٌ غَرْسًا، وَلَا زَرْعًا، فَيَأْكُلَ مِنْهُ سَبُعٌ أَوْ طَائِرٌ أَوْ شَيْءٌ، إِلَّا كَانَ لَهُ فِيهِ أَجْرٌ». وَقَالَ ابْنُ أَبِي خَلَفٍ: طَائِرٌ شَيْءٌ كَذَا.

**[3971] 10 - (...)** Jâbir bin 'Abdullâh said: "The Prophet ﷺ entered upon Umm Ma'bad in her garden. He said: 'O Umm Ma'bad, who planted these palm trees? Was it a Muslim or a disbeliever?' She said: 'A Muslim.' He said: 'No Muslim plants anything that a human, animal or bird eats from, but it will be charity for him until the Day of Resurrection.'"

[٣٩٧١] ١٠-(...) **حَدَّثَنَا** أَحْمَدُ ابْنُ سَعِيدِ بْنِ إِبْرَاهِيمَ: حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ: حَدَّثَنَا زَكَرِيَّاءُ بْنُ إِسْحٰقَ: أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: دَخَلَ النَّبِيُّ ﷺ عَلَىٰ أُمِّ مَعْبَدٍ، حَائِطًا. فَقَالَ: «يَا أُمَّ مَعْبَدٍ! مَنْ غَرَسَ هٰذَا النَّخْلَ؟ [أَ]مُسْلِمٌ أَمْ كَافِرٌ؟» فَقَالَتْ: بَلْ مُسْلِمٌ. قَالَ: «فَلَا يَغْرِسُ الْمُسْلِمُ غَرْسًا، فَيَأْكُلَ مِنْهُ إِنْسَانٌ وَلَا دَابَّةٌ وَلَا طَيْرٌ، إِلَّا كَانَ لَهُ صَدَقَةٌ إِلَىٰ يَوْمِ الْقِيَامَةِ».

**[3972] 11 - (...)** It was narrated from Al-A'mash, from Abû Sufyân, from Jâbir. 'Amr added in his report from 'Ammâr, and Abû Kuraib added in his report from Abû Mu'âwiyah; "from Umm Mubash-shir." In the report of Ibn Fuḍail it says: "From the wife of Zaid bin Ḥârithah." In the report of Isḥâq from Abû Mu'âwiyah it says: "Perhaps he said: 'From Umm Mubash-shir from the Prophet

[٣٩٧٢] ١١-(...) **وَحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَفْصُ ابْنُ غِيَاثٍ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ وَإِسْحٰقُ بْنُ إِبْرَاهِيمَ، جَمِيعًا عَنْ أَبِي مُعَاوِيَةَ؛ وَحَدَّثَنَا عَمْرٌو النَّاقِدُ: حَدَّثَنَا عَمَّارُ بْنُ مُحَمَّدٍ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ فُضَيْلٍ، كُلُّ هٰؤُلَاءِ عَنِ الْأَعْمَشِ، عَنْ أَبِي سُفْيَانَ، عَنْ جَابِرٍ. زَادَ عَمْرٌو فِي

ﷺ' and perhaps he did not say it." All of them said: "From the Prophet ﷺ," like the *Ḥadîth* of 'Aṭâ' (no. 3968), Abû Az-Zubair (no. 3969) and 'Amr bin Dînâr (3971).

رِوَايَتِهِ عَنْ عَمَّارٍ، وَأَبُو كُرَيْبٍ فِي رِوَايَتِهِ عَنْ أَبِي مُعَاوِيَةَ فَقَالَا: عَنْ أُمِّ مُبَشِّرٍ. وَفِي رِوَايَةِ ابْنِ فُضَيْلٍ: عَنِ امْرَأَةِ زَيْدِ بْنِ حَارِثَةَ. وَفِي رِوَايَةِ إِسْحَٰقَ، عَنْ أَبِي مُعَاوِيَةَ قَالَ: رُبَّمَا قَالَ عَنْ أُمِّ مُبَشِّرٍ عَنِ النَّبِيِّ ﷺ. وَرُبَّمَا لَمْ يَقُلْ. وَكُلُّهُمْ قَالُوا: عَنِ النَّبِيِّ ﷺ، بِنَحْوِ حَدِيثِ عَطَاءٍ وَأَبِي الزُّبَيْرِ وَعَمْرِو بْنِ دِينَارٍ.

**[3973] 12 - (1553)** It was narrated that Anas said: "The Messenger of Allâh ﷺ said: 'There is no Muslim who plants something or cultivates something that birds, humans or animals eat from, but it will be charity for him.'"

**[٣٩٧٣] ١٢-(١٥٥٣) وَحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَمُحَمَّدُ ابْنُ عُبَيْدٍ الْغُبَرِيُّ - وَاللَّفْظُ لِيَحْيَىٰ، قَالَ يَحْيَىٰ: أَخْبَرَنَا وَقَالَ الْآخَرَانِ: حَدَّثَنَا - أَبُو عَوَانَةَ عَنْ قَتَادَةَ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَا مِنْ مُسْلِمٍ يَغْرِسُ غَرْسًا، أَوْ يَزْرَعُ زَرْعًا، فَيَأْكُلُ مِنْهُ طَيْرٌ أَوْ إِنْسَانٌ أَوْ بَهِيمَةٌ، إِلَّا كَانَ لَهُ بِهِ صَدَقَةٌ».

**[3974] 13 - (...)** Anas bin Mâlik narrated that the Prophet of Allâh ﷺ entered a garden of palm trees belonging to Umm Mubash-shir, a woman of the *Anṣâr*. The Messenger of Allâh ﷺ said: "Who planted these palm trees? Was it a Muslim or a disbeliever?" They said: "A Muslim..." a *Ḥadîth* like theirs (i.e., Yaḥya, Qutaibah, and Muḥammad no. 3973).

**[٣٩٧٤] ١٣-(...) وحَدَّثَنَا** عَبْدُ ابْنُ حُمَيْدٍ: حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَبَانُ بْنُ يَزِيدَ: حَدَّثَنَا قَتَادَةُ: حَدَّثَنَا أَنَسُ بْنُ مَالِكٍ: أَنَّ نَبِيَّ اللهِ ﷺ دَخَلَ نَخْلًا لِأُمِّ مُبَشِّرٍ، امْرَأَةٍ مِنَ الْأَنْصَارِ فَقَالَ رَسُولُ اللهِ ﷺ: «مَنْ غَرَسَ هَٰذَا النَّخْلَ؟ أَمُسْلِمٌ أَمْ كَافِرٌ؟» قَالُوا: مُسْلِمٌ، بِنَحْوِ حَدِيثِهِمْ.

## Chapter 3. Waiving Payment In The Case Of Blight

(المعجم ٣) - (بَابُ وضع الجوائح)
(التحفة ٢٤)

**[3975] 14 - (1554)** It was narrated from Abû Az-Zubair that he heard Jâbir bin 'Abdullâh say: "The Messenger of Allâh ﷺ said: 'If you sell some fruit to your brother then it is stricken with blight, it is not permissible for you to take anything from him. Why would you take your brother's wealth unlawfully?'"

[٣٩٧٥] ١٤-(١٥٥٤) حَدَّثَنَا أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنِ ابْنِ جُرَيْجٍ؛ أَنَّ أَبَا الزُّبَيْرِ أَخْبَرَهُ عَنْ جَابِرِ بْنِ عَبْدِ اللهِ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «إِنْ بِعْتَ مِنْ أَخِيكَ ثَمَرًا»؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبَّادٍ: حَدَّثَنَا أَبُو ضَمْرَةَ عَنِ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «لَوْ بِعْتَ مِنْ أَخِيكَ ثَمَرًا، فَأَصَابَتْهُ جَائِحَةٌ، فَلَا يَحِلُّ لَكَ أَنْ تَأْخُذَ مِنْهُ شَيْئًا، بِمَ تَأْخُذُ مَالَ أَخِيكَ بِغَيْرِ حَقٍّ؟». [انظر: ٣٩٨٠]

**[3976] (...)** A similar report (as no. 3975) was narrated from Ibn Juraij with this chain.

[٣٩٧٦] (...) وحَدَّثَنَا حَسَنٌ الْحُلْوَانِيُّ: حَدَّثَنَا أَبُو عَاصِمٍ عَنِ ابْنِ جُرَيْجٍ بِهَٰذَا الْإِسْنَادِ مِثْلَهُ.

**[3977] 15 - (1555)** It was narrated from Anas that the Prophet ﷺ forbade selling the fruit of palm trees until they bloom. We said: "What does bloom mean?" He said: "Turning red or yellow. Do you think that if Allâh withholds the fruit, would you regard your brother's wealth as permissible?"

[٣٩٧٧] ١٥-(١٥٥٥) حَدَّثَنَا يَحْيَى ابْنُ أَيُّوبَ وَقُتَيْبَةُ وَعَلِيُّ بْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنْ بَيْعِ ثَمَرِ النَّخْلِ حَتَّىٰ تَزْهُوَ، فَقُلْنَا لِأَنَسٍ: مَا زَهْوُهَا؟ قَالَ: تَحْمَرُّ وَتَصْفَرُّ، أَرَأَيْتَكَ إِنْ مَنَعَ اللهُ الثَّمَرَةَ، بِمَ تَسْتَحِلُّ مَالَ أَخِيكَ؟.

**[3978]... - (...)** It was narrated from Anas bin Mâlik that the Messenger of Allâh ﷺ forbade selling fruit until it bloomed. They said: "What does bloom mean?" He said: "Turning red. He said: If Allâh withholds the fruit, on what basis do you regard your brother's wealth as permissible?"

**[٣٩٧٨] (. . .) حَدَّثَنِي** أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَالِكٌ عَنْ حُمَيْدٍ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ بَيْعِ الثَّمَرَةِ حَتَّىٰ تُزْهِيَ قَالُوا: وَمَا تُزْهِيَ؟ قَالَ: تَحْمَرُّ، فَقَالَ: إِذَا مَنَعَ اللهُ الثَّمَرَةَ، فَبِمَ تَسْتَحِلُّ مَالَ أَخِيكَ؟.

**[3979] 16 - (...)** It was narrated from Anas that the Prophet ﷺ said: "If Allâh, the Mighty and Sublime, did not cause the fruit (to grow), on what basis do you regard your brother's wealth as permissible?"

**[٣٩٧٩] ١٦-(. . .) وَحَدَّثَنِي** مُحَمَّدُ ابْنُ عَبَّادٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «إِنْ لَمْ يُثْمِرْهَا اللهُ عَزَّ وَجَلَّ، فَبِمَ يَسْتَحِلُّ أَحَدُكُمْ مَالَ أَخِيهِ؟».

**[3980] 17 - (1554)** It was narrated from Jâbir that the Prophet ﷺ enjoined waiving payments in a case where the crop was stricken by blight.

Abû Isḥâq said: "Ibrâhîm (who was the companion of Muslim) said: ''Abdur-Raḥmân bin Bishr narrated this to me from Sufyân.'"

**[٣٩٨٠] ١٧-(١٥٥٤) حَدَّثَنَا** بِشْرُ ابْنُ الْحَكَمِ وَإِبْرَاهِيمُ بْنُ دِينَارٍ وَعَبْدُ الْجَبَّارِ بْنُ الْعَلَاءِ - وَاللَّفْظُ لِبِشْرٍ- قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ حُمَيْدٍ الْأَعْرَجِ، عَنْ سُلَيْمَانَ بْنِ عَتِيقٍ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ أَمَرَ بِوَضْعِ الْجَوَائِحِ.

قَالَ [أَبُو إِسْحَٰقَ] إِبْرَاهِيمُ [وَهُوَ صَاحِبُ مُسْلِمٍ]: حَدَّثَنِي عَبْدُ الرَّحْمَٰنِ ابْنُ بِشْرٍ عَنْ سُفْيَانَ، بِهَٰذَا. [راجع: ٣٩٧٥]

## Chapter 4. It Is Recommended To Waive Debts

## (المعجم ٤) - (بَابُ استحباب الوضع من الدَّين) (التحفة ٢٥)

**[3981] 18 - (1556)** It was narrated that Abû Sa'eed Al-Khudrî said: "At the time of the

**[٣٩٨١] ١٨-(١٥٥٦) حَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ بُكَيْرٍ، عَنْ

Messenger of Allâh ﷺ, a man suffered loss of some fruit that he had bought, and his debts mounted. The Messenger of Allâh ﷺ said: 'Give him charity,' and the people gave him charity, but it was not enough to pay off his debt. The Messenger of Allâh ﷺ said to his creditors: 'Take what you find, and you are not entitled to any more than that.'"

عِيَاضِ بْنِ عَبْدِ اللهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: أُصِيبَ رَجُلٌ فِي عَهْدِ رَسُولِ اللهِ ﷺ فِي ثِمَارٍ ابْتَاعَهَا، فَكَثُرَ دَيْنُهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «تَصَدَّقُوا عَلَيْهِ» فَتَصَدَّقَ النَّاسُ عَلَيْهِ، فَلَمْ يَبْلُغْ ذَلِكَ وَفَاءَ دَيْنِهِ، فَقَالَ رَسُولُ اللهِ ﷺ لِغُرَمَائِهِ: «خُذُوا مَا وَجَدْتُمْ، وَلَيْسَ لَكُمْ إِلَّا ذَلِكَ».

**[3982] (...)** A similar report (as no. 3981) was narrated from Bukhair bin Al-Ashajj with this chain.

**[٣٩٨٢] (. . .) حَدَّثَنِي** يُونُسُ بْنُ عَبْدِ الْأَعْلَىٰ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ بُكَيْرِ بْنِ الْأَشَجِّ بِهَٰذَا الْإِسْنَادِ مِثْلَهُ.

**[3983] 19 - (1557)** 'Âishah said: "The Messenger of Allâh ﷺ heard the noise of disputants at the door, raising their voices. One of them was asking the other to let him off and show him leniency in some matter, and he was saying: 'By Allâh I will not do that.' The Messenger of Allâh ﷺ came out to them and said: 'Where is the one who swears by Allâh that he will not do an act of kindness?' He said: 'Here I am, O Messenger of Allâh; he may have whatever he wants.'"

**[٣٩٨٣] ١٩ -(١٥٥٧) وحَدَّثَنِي** غَيْرُ وَاحِدٍ مِنْ أَصْحَابِنَا قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ: حَدَّثَنِي أَخِي عَنْ سُلَيْمَانَ وَهُوَ ابْنُ بِلَالٍ، عَنْ يَحْيَى ابْنِ سَعِيدٍ، عَنْ أَبِي الرِّجَالِ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَٰنِ؛ أَنَّ أُمَّهُ عَمْرَةَ بِنْتَ عَبْدِ الرَّحْمَٰنِ قَالَتْ: سَمِعْتُ عَائِشَةَ تَقُولُ: سَمِعَ رَسُولُ اللهِ ﷺ صَوْتَ خُصُومٍ بِالْبَابِ، عَالِيَةً أَصْوَاتُهُمَا، وَإِذَا أَحَدُهُمَا يَسْتَوْضِعُ الْآخَرَ وَيَسْتَرْفِقُهُ فِي شَيْءٍ، وَهُوَ يَقُولُ: وَاللهِ! لَا أَفْعَلُ. فَخَرَجَ رَسُولُ اللهِ ﷺ عَلَيْهِمَا، فَقَالَ: «أَيْنَ الْمُتَأَلِّي

عَلَى اللهِ لَا يَفْعَلُ الْمَعْرُوفَ؟» قَالَ: أَنَا، يَا رَسُولَ اللهِ! فَلَهُ أَيُّ ذَلِكَ أَحَبَّ.

**[3984] 20 - (1558)** 'Abdullâh bin Ka'b bin Mâlik narrated from his father that he asked Ibn Abî Hadrad to pay a debt that he owed him at the time of the Messenger of Allâh ﷺ, in the *Masjid*. Their voices became so loud that the Messenger of Allâh ﷺ could hear them in his house. The Messenger of Allâh ﷺ came out to them and lifted the curtain of his apartment, and he called Ka'b bin Mâlik, saying: "O Ka'b!" Ka'b said: "Here I am, O Messenger of Allâh." He gestured with his hand, saying waive half of your debt. Ka'b said: "I have done that, O Messenger of Allâh." The Messenger of Allâh ﷺ said: "Get up and pay off the rest."

**[٣٩٨٤] ٢٠-(١٥٥٨) حَدَّثَنِي** حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي عَبْدُ اللهِ بْنُ كَعْبِ بْنِ مَالِكٍ - قَالَ: أَخْبَرَهُ عَنْ أَبِيهِ - أَنَّهُ تَقَاضَى ابْنَ أَبِي حَدْرَدٍ دَيْنًا - كَانَ لَهُ عَلَيْهِ، فِي عَهْدِ رَسُولِ اللهِ ﷺ - فِي الْمَسْجِدِ، فَارْتَفَعَتْ أَصْوَاتُهُمَا، حَتَّىٰ سَمِعَهَا رَسُولُ اللهِ ﷺ وَ هُوَ فِي بَيْتِهِ، فَخَرَجَ إِلَيْهِمَا رَسُولُ اللهِ ﷺ حَتَّىٰ كَشَفَ سِجْفَ حُجْرَتِهِ، وَنَادَىٰ كَعْبَ ابْنَ مَالِكٍ فَقَالَ: «يَا كَعْبُ»! فَقَالَ: لَبَّيْكَ يَا رَسُولَ اللهِ! فَأَشَارَ إِلَيْهِ بِيَدِهِ: أَنْ ضَعِ الشَّطْرَ مِنْ دَيْنِكَ. قَالَ كَعْبٌ: قَدْ فَعَلْتُ، يَا رَسُولَ اللهِ! قَالَ رَسُولُ اللهِ ﷺ «قُمْ فَاقْضِهِ».

**[3985] 21 - (...)** Ka'b bin Mâlik narrated that he asked Ibn Abî Hadrad to pay off a debt that he owed him... a <u>*Hadîth*</u> like that of Ibn Wahb (3984).

**[٣٩٨٥] ٢١-(...) وحَدَّثَنَاه** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عُثْمَانُ بْنُ عُمَرَ: أَخْبَرَنَا يُونُسُ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللهِ بْنِ كَعْبِ بْنِ مَالِكٍ؛ أَنَّ كَعْبَ بْنَ مَالِكٍ أَخْبَرَهُ؛ أَنَّهُ تَقَاضَىٰ دَيْنًا لَهُ عَلَىٰ ابْنِ أَبِي حَدْرَدٍ، بِمِثْلِ حَدِيثِ ابْنِ وَهْبٍ.

**[3986] (...)** It was narrated from Ka'b bin Mâlik that he was owed money by 'Abdullâh bin Abî Ḥadrad Al-Aslamî. He met him and pressured him to pay it, and they spoke until their voices became loud. The Messenger of Allâh ﷺ passed by them and said: "O Ka'b!" and gestured with his hand as if he was telling him, 'Half.' So he took half of what was owed him and waive the rest.

**[٣٩٨٦] (...) قَالَ مُسْلِمٌ:** وَرَوَى اللَّيْثُ ابْنُ سَعْدٍ: حَدَّثَنِي جَعْفَرُ ابْنُ رَبِيعَةَ عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ هُرْمُزَ، عَنْ عَبْدِ اللهِ ابْنِ كَعْبِ بْنِ مَالِكٍ، عَنْ كَعْبِ بْنِ مَالِكٍ أَنَّهُ كَانَ لَهُ مَالٌ عَلَىٰ عَبْدِ اللهِ بْنِ أَبِي حَدْرَدٍ الْأَسْلَمِيِّ، فَلَقِيَهُ فَلَزِمَهُ، فَتَكَلَّمَا حَتَّى ارْتَفَعَتِ الْأَصْوَاتُ، فَمَرَّ بِهِمَا رَسُولُ اللهِ ﷺ فَقَالَ: «يَا كَعْبُ!» فَأَشَارَ بِيَدِهِ، كَأَنَّهُ يَقُولُ النِّصْفَ فَأَخَذَ نِصْفًا مِمَّا عَلَيْهِ، وَتَرَكَ نِصْفًا.

## Chapter 5. If A Man Finds What He Sold With The Purchaser, Who Has Become Bankrupt, Then He Has The Right To Take It Back

**[3987] 22 - (1559)** Abû Hurairah said: "The Messenger of Allâh ﷺ said - or I heard the Messenger of Allâh ﷺ say -: 'Whoever finds his property with a man who has become bankrupt' - or 'a person who has become bankrupt - he is more entitled to it than anyone else.'"

## (المعجم ٥) - (بَابُ من أدرك ما باعه عند المشتري، وقد أفلس، فله الرجوع فيه) (التحفة ٢٦)

**[٣٩٨٧] ٢٢-(١٥٥٩)** حَدَّثَنَا أَحْمَدُ ابْنُ عَبْدِ اللهِ بْنِ يُونُسَ: حَدَّثَنَا زُهَيْرُ [ابْنُ حَرْبٍ]: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: أَخْبَرَنِي أَبو بَكْرِ بْنُ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ؛ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ أَخْبَرَهُ؛ أَنَّ أَبَا بَكْرِ بْنَ عَبْدِ الرَّحْمَٰنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ أَخْبَرَهُ؛ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ - أَوْ سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ -: «مَنْ أَدْرَكَ مَالَهُ بِعَيْنِهِ عِنْدَ رَجُلٍ قَدْ أُفْلِسَ - أَوْ إِنْسَانٍ قَدْ أُفْلِسَ - فَهُوَ أَحَقُّ بِهِ مِنْ غَيْرِهِ».

[3988] (...) A *Hadîth* like that of Zuhair (no. 3988) was narrated from Yahyâ bin Sa'eed with this chain. Ibn Rumh said in his report: "Any man who becomes bankrupt."

[٣٩٨٨] (...) حَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمٌ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحٍ، جَمِيعًا عَنِ اللَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا أَبُو الرَّبِيعِ وَيَحْيَى بْنُ حَبِيبٍ الْحَارِثِيُّ قَالَا: حَدَّثَنَا حَمَّادٌ يَعْنِي ابْنَ زَيْدٍ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْوَهَّابِ وَيَحْيَى بْنُ سَعِيدٍ وَحَفْصُ ابْنُ غِيَاثٍ، كُلُّ هَٰؤُلَاءِ عَنْ يَحْيَى بْنِ سَعِيدٍ فِي هَٰذَا الْإِسْنَادِ بِمَعْنَىٰ حَدِيثِ زُهَيْرٍ. وَقَالَ ابْنُ رُمْحٍ مِنْ بَيْنِهِمْ فِي رِوَايَتِهِ: أَيُّمَا امْرِئٍ فُلِّسَ.

[3989] 23 - (...) It was narrated from Abû Hurairah from the Prophet ﷺ concerning a man who becomes destitute, if the goods are found with him and not given away yet: "The original owner who sold them to him is more entitled to them."

[٣٩٨٩] ٢٣-(...) حَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا هِشَامُ بْنُ سُلَيْمَانَ وَهُوَ ابْنُ عِكْرِمَةَ بْنِ خَالِدٍ الْمَخْزُومِيُّ، عَنِ ابْنِ جُرَيْجٍ: حَدَّثَنِي ابْنُ أَبِي الْحُسَيْنِ؛ أَنَّ أَبَا بَكْرِ بْنَ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ أَخْبَرَهُ؛ أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ حَدَّثَهُ عَنْ حَدِيثِ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَٰنِ، عَنْ حَدِيثِ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ فِي الرَّجُلِ الَّذِي يُعْدِمُ، إِذَا وُجِدَ عِنْدَهُ الْمَتَاعُ وَلَمْ يُفَرِّقْهُ: «أَنَّهُ لِصَاحِبِهِ الَّذِي بَاعَهُ».

**[3990] 24 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "If a man becomes bankrupt, and a man finds his goods with him, he is more entitled to them."

**[٣٩٩٠] ٢٤-(...)** حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ وَعَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ قَالَا: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنِ النَّضْرِ ابْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا أُفْلِسَ الرَّجُلُ، فَوَجَدَ الرَّجُلُ مَتَاعَهُ بِعَيْنِهِ، فَهُوَ أَحَقُّ بِهِ».

**[3991] (...)** A similar report (as no. 3990) was narrated from Qatâdah with this chain, but they said: "He is more entitled to it than any other creditors."

**[٣٩٩١] (...)** وحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا سَعِيدٌ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ أَيْضًا: حَدَّثَنَا مُعَاذُ ابْنُ هِشَامٍ: حَدَّثَنَا أَبِي كِلَاهُمَا عَنْ قَتَادَةَ بِهَٰذَا الْإِسْنَادِ مِثْلَهُ، وَقَالَا: «فَهُوَ أَحَقُّ بِهِ مِنَ الْغُرَمَاءِ».

**[3992] 25 - (...)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "If a man becomes bankrupt and another man finds his goods with him, he is more entitled to them."

**[٣٩٩٢] ٢٥-(...)** وحَدَّثَنِي مُحَمَّدُ ابْنُ أَحْمَدَ بْنِ أَبِي خَلَفٍ وَحَجَّاجُ بْنُ الشَّاعِرِ قَالَا: حَدَّثَنَا أَبُو سَلَمَةَ الْخُزَاعِيُّ - قَالَ حَجَّاجٌ حَدَّثَنَا مَنْصُورُ بْنُ سَلَمَةَ-: أَخْبَرَنَا سُلَيْمَانُ بْنُ بِلَالٍ عَنْ خُثَيْمِ بْنِ عِرَاكٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «إِذَا أُفْلِسَ الرَّجُلُ، فَوَجَدَ الرَّجُلُ عِنْدَهُ سِلْعَتَهُ بِعَيْنِهَا، فَهُوَ أَحَقُّ بِهَا».

## Chapter 6. The Virtue Of Giving More Time To One Who Is Suffering Difficulty, And Letting Those Go Who Are Suffering Difficulty And Those Who Are Well Off

## (المعجم ٦) - (بَابُ فضل إنظار المعسر والتجاوز في الاقتضاء مِن الموسر والمعسر) (التحفة ٢٧)

**[3993] 26 - (1560)** Ḥudhaifah said: "The Messenger of Allâh ﷺ said: 'The angels took the soul of a man among those who came before you and they said: 'Did you do any good deeds?' He said: 'No.' They said: 'Try to remember.' He said: 'I used to lend money to people and I would tell my servants to give more time to those who were in difficulty and to be easy with those who were well off.' (The angel) said: Allâh said (to us): 'Be easy with him.'"

**[٣٩٩٣] ٢٦-(١٥٦٠)** حَدَّثَنَا أَحْمَدُ ابْنُ عَبْدِ اللهِ بْنِ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا مَنْصُورٌ عَنْ رِبْعِيِّ بْنِ حِرَاشٍ أَنَّ حُذَيْفَةَ حَدَّثَهُمْ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «تَلَقَّتِ الْمَلَائِكَةُ رُوحَ رَجُلٍ مِمَّنْ كَانَ قَبْلَكُمْ، فَقَالُوا: أَعَمِلْتَ مِنَ الْخَيْرِ شَيْئًا؟ قَالَ: لَا. قَالُوا: تَذَكَّرْ. قَالَ: كُنْتُ أُدَايِنُ النَّاسَ، فَآمُرُ فِتْيَانِي أَنْ يُنْظِرُوا الْمُعْسِرَ وَيَتَجَوَّزُوا عَنِ الْمُوسِرِ - قَالَ -: قَالَ اللهُ عَزَّ وَجَلَّ: تَجَوَّزُوا عَنْهُ».

**[3994] 27 - (...)** It was narrated that Rib'î bin Ḥirâsh said: Ḥudhaifah and Abû Mas'ûd met, and Ḥudhaifah said: "A man met his Lord, may He be glorified and exalted, and He said: 'What did you do?' He said: 'I did not do anything good, except that I was a rich man and I used to ask the people (to repay their debts); I would accept repayment from those who were well off, and I would let those who were in difficulty go.' He said: 'Let My slave go.'" Abû Mas'ûd said: "That is what I heard the Messenger of Allâh ﷺ saying."

**[٣٩٩٤] ٢٧-(...)** وَحَدَّثَنَا عَلِيُّ ابْنُ حُجْرٍ وإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِابْنِ حُجْرٍ - قَالَا: حَدَّثَنَا جَرِيرٌ عَنِ الْمُغِيرَةِ، عَنْ نُعَيْمِ بْنِ أَبِي هِنْدٍ، عَنْ رِبْعِيِّ بْنِ حِرَاشٍ قَالَ: اجْتَمَعَ حُذَيْفَةُ وَأَبُو مَسْعُودٍ، فَقَالَ حُذَيْفَةُ: «رَجُلٌ لَقِيَ رَبَّهُ عَزَّ وَجَلَّ فَقَالَ: مَا عَمِلْتَ؟ قَالَ: مَا عَمِلْتُ مِنَ الْخَيْرِ، إِلَّا أَنِّي كُنْتُ رَجُلًا ذَا مَالٍ، فَكُنْتُ أُطَالِبُ بِهِ النَّاسَ، فَكُنْتُ أَقْبَلُ الْمَيْسُورَ وَأَتَجَاوَزُ عَنِ الْمَعْسُورِ.

قَالَ: «تَجَاوَزُوا عَنْ عَبْدِي» قَالَ أَبُو مَسْعُودٍ: هٰكَذَا سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ.

[3995] 28 - (...) It was narrated from Hudhaifah from the Prophet ﷺ: "A man died and entered Paradise, and it was said to him: 'What did you use to do?' Either he remembered or was caused to remember, and he said: 'I used to enter into transactions with people, and I used to give those who were in difficulty more time and I would not be harsh when asking for repayment (from those who were well off).' So he was forgiven." Abû Mas'ûd said: "I also heard it from the Messenger of Allâh ﷺ."

[٣٩٩٥] ٢٨-(...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ رِبْعِيِّ بْنِ حِرَاشٍ، عَنْ حُذَيْفَةَ عَنِ النَّبِيِّ ﷺ: «أَنَّ رَجُلًا مَاتَ فَدَخَلَ الْجَنَّةَ، فَقِيلَ لَهُ: مَا كُنْتَ تَعْمَلُ؟ - قَالَ: فَإِمَّا ذَكَرَ وَإِمَّا ذُكِّرَ - فَقَالَ: إِنِّي كُنْتُ أُبَايِعُ النَّاسَ، فَكُنْتُ أُنْظِرُ الْمُعْسِرَ وَأَتَجَوَّزُ فِي السِّكَّةِ أَوْ فِي النَّقْدِ، فَغُفِرَ لَهُ» فَقَالَ أَبُو مَسْعُودٍ: وَأَنَا سَمِعْتُهُ مِنْ رَسُولِ اللهِ ﷺ.

[3996] 29 - (...) It was narrated that Hudhaifah said: "One of Allâh's slaves was brought before Him, to whom Allâh had given wealth. He said to him: 'What did you do in the world?' - although they cannot conceal anything from Allâh. He said: 'O Lord, You bestowed Your wealth upon me and I used to enter into transactions with people. It was my nature to be lenient, so I used to go easy on those who were well off and I would give more time to those who were in difficulty.' Allâh said: 'I have more right to that than you; let My slave go.'"

[٣٩٩٦] ٢٩-(...) حَدَّثَنَا أَبُو سَعِيدٍ الْأَشَجُّ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ عَنْ سَعْدِ بْنِ طَارِقٍ، عَنْ رِبْعِيِّ بْنِ حِرَاشٍ، عَنْ حُذَيْفَةَ قَالَ: «أُتِيَ اللهُ تَعَالَى بِعَبْدٍ مِنْ عِبَادِهِ، آتَاهُ اللهُ مَالًا، فَقَالَ لَهُ: مَاذَا عَمِلْتَ فِي الدُّنْيَا؟ - قَالَ: وَلَا يَكْتُمُونَ اللهَ حَدِيثًا - قَالَ: يَا رَبِّ! آتَيْتَنِي مَالَكَ، فَكُنْتُ أُبَايِعُ النَّاسَ، وَكَانَ مِنْ خُلُقِي الْجَوَازُ، فَكُنْتُ أَتَيَسَّرُ عَلَى الْمُوسِرِ وَأُنْظِرُ الْمُعْسِرَ، فَقَالَ اللهُ عَزَّ وَجَلَّ: أَنَا أَحَقُّ بِذَا مِنْكَ، تَجَاوَزُوا عَنْ عَبْدِي».

'Uqbah bin 'Âmir Al-Juhanî and Abû Mas'ûd Al-Anṣârî said: "This is how we heard it from the Messenger of Allâh ﷺ."

فَقَالَ عُقْبَةُ بْنُ عَامِرٍ الْجُهَنِيُّ وَأَبُو مَسْعُودٍ الْأَنْصَارِيُّ: هٰكَذَا سَمِعْنَاهُ مِنْ فِي رَسُولِ اللهِ ﷺ.

**[3997] 30 - (1561)** It was narrated that Abû Mas'ûd said: "The Messenger of Allâh ﷺ said: 'A man among those who came before you was brought to account, and he was not found to have done anything good, except that he used to mix with people, and he was well off. He would tell his slaves to let those go who were in difficulty. Allâh, may He be exalted, said: We have more right to that than him; let him go.'"

**[٣٩٩٧] ٣٠-(١٥٦١)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ وأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِيَحْيَىٰ، قَالَ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ: حَدَّثَنَا - أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ شَقِيقٍ، عَنْ أَبِي مَسْعُودٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «حُوسِبَ رَجُلٌ مِمَّنْ كَانَ قَبْلَكُمْ، فَلَمْ يُوجَدْ لَهُ مِنَ الْخَيْرِ شَيْءٌ، إِلَّا أَنَّهُ كَانَ يُخَالِطُ النَّاسَ، وَكَانَ مُوسِرًا، فَكَانَ يَأْمُرُ غِلْمَانَهُ أَنْ يَتَجَاوَزُوا عَنِ الْمُعْسِرِ، قَالَ: قَالَ اللهُ تَعَالَى: نَحْنُ أَحَقُّ بِذَلِكَ مِنْهُ، تَجَاوَزُوا عَنْهُ».

**[3998] 31 - (1562)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "A man used to lend money to the people, and he used to say to his slaves: 'If you come to one who is in difficulty, let him go; perhaps Allâh will let us go. When he met Allâh, He let him go.'"

**[٣٩٩٨] ٣١-(١٥٦٢)** حَدَّثَنَا مَنْصُورُ بْنُ أَبِي مُزَاحِمٍ وَمُحَمَّدُ بْنُ جَعْفَرِ ابْنِ زِيَادٍ - قَالَ مَنْصُورٌ: حَدَّثَنَا إِبْرَاهِيمُ يَعْنِي ابْنَ سَعْدٍ، عَنِ الزُّهْرِيِّ وَقَالَ ابْنُ جَعْفَرٍ: أَخْبَرَنَا إِبْرَاهِيمُ وَهُوَ ابْنُ سَعْدٍ، عَنِ ابْنِ شِهَابٍ - عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ [بْنِ عُتْبَةَ]، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «كَانَ

رَجُلٌ يُدَايِنُ النَّاسَ، فَكَانَ يَقُولُ لِفَتَاهُ: إِذَا أَتَيْتَ مُعْسِرًا فَتَجَاوَزْ عَنْهُ، لَعَلَّ اللهَ يَتَجَاوَزُ عَنَّا، فَلَقِيَ اللهَ تَعَالَىٰ فَتَجَاوَزَ عَنْهُ».

**[3999]** **(...)** Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say..." a similar report (as no. 3998).

[٣٩٩٩] (...) **حَدَّثَنِي** حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ؛ أَنَّ عُبَيْدَ اللهِ بْنَ عَبْدِ اللهِ بْنِ عُتْبَةَ حَدَّثَهُ؛ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ، بِمِثْلِهِ.

**[4000] 32 - (1563)** It was narrated from 'Abdullâh bin Abî Qatâdah that Abû Qatâdah asked a debtor to pay him back, and he hid from him. Then he found him and he said: "I am in difficulty." He said: "By Allâh?" He said: "By Allâh." He said: "I heard the Messenger of Allâh ﷺ say: 'Whoever would like Allâh to save him from the hardships of the Day of Resurrection, let him give respite to the one who is in difficulty, or let him go.'"

**[٤٠٠٠] ٣٢-(١٥٦٣) حَدَّثَنَا** أَبُو الْهَيْثَمِ خَالِدُ بْنُ خِدَاشِ بْنِ عَجْلَانَ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عَبْدِ اللهِ بْنِ أَبِي قَتَادَةَ؛ أَنَّ أَبَا قَتَادَةَ طَلَبَ غَرِيمًا لَهُ فَتَوَارَىٰ عَنْهُ، ثُمَّ وَجَدَهُ، فَقَالَ: إِنِّي مُعْسِرٌ. قَالَ: آللهِ؟ قَالَ: آللهِ. قَالَ: فَإِنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ سَرَّهُ أَنْ يُنْجِيَهُ اللهُ مِنْ كُرَبِ يَوْمِ الْقِيَامَةِ فَلْيُنَفِّسْ عَنْ مُعْسِرٍ، أَوْ يَضَعْ عَنْهُ».

**[4001]** **(...)** A similar report (as no. 4000) was narrated from Ayyûb with this chain.

[٤٠٠١] (...) **وَحَدَّثَنِيهِ** أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي جَرِيرُ بْنُ حَازِمٍ عَنْ أَيُّوبَ، بِهَٰذَا الْإِسْنَادِ نَحْوَهُ.

## Chapter 7. The Prohibition Of A Rich Man Delaying Repayment. The Validity Of *Hawâlah* (Transferal Of Debts) And It Is Recommended To Accept Transferal Of A Debt If It Is Transferred To A Rich Man

## (المعجم ٧) - (بَابُ تحريم مطل الغنيّ وصحة الحوالة، واستحباب قبولها إذا أحيل على مليٍّ) (التحفة ٢٨)

**[4002] 33 - (1564)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "For a rich man to delay repayment is wrongdoing, and if the debt of one of you is transferred to a rich man, let him accept it."

**[٤٠٠٢] ٣٣-(١٥٦٤) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَطْلُ الْغَنِيِّ ظُلْمٌ، وَإِذَا أُتْبِعَ أَحَدُكُمْ عَلَىٰ مَلِيٍّ فَلْيَتْبَعْ».

**[4003] (...)** A similar report (as no. 4002) was narrated from Abû Hurairah, from the Prophet ﷺ.

**[٤٠٠٣] (...) حَدَّثَنَا** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ، قَالَا جَمِيعًا: حَدَّثَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، بِمِثْلِهِ.

## Chapter 8. The Prohibition Of Selling Surplus Water Which Is In The Wilderness And Is Needed To Take Care Of The Pasture. The Prohibition Of Not Allowing Others To Use It. The Prohibition Of Stud fees

## (المعجم ٨) - (بَابُ تحريم بيع فضل الماء الذي يكون بالفلاة ويحتاج إليه لرعي الكلأ، وتحريم منع بذله. وتحريم بيع ضراب الفحل) (التحفة ٢٩)

**[4004] 34 - (1565)** It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade selling surplus water."

**[٤٠٠٤] ٣٤-(١٥٦٥) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: جَمِيعًا عَنِ ابْنِ جُرَيْجٍ، عَنْ أَبِي الزُّبَيْرِ،

عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ فَضْلِ الْمَاءِ.

**[4005] 35 - (...)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ forbade stud fees for camels, and selling water and land for tilling. The Messenger of Allâh ﷺ forbade that."

**[٤٠٠٥] ٣٥-(...) وَحَدَّثَنَا** إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا رَوْحُ بْنُ عُبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ ضِرَابِ الْجَمَلِ، وَعَنْ بَيْعِ الْمَاءِ وَالْأَرْضِ لِتُحْرَثَ، فَعَنْ ذَلِكَ نَهَىٰ رَسُولُ اللهِ ﷺ.

**[4006] 36 - (1566)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Surplus water should not be withheld so as to prevent the growth of greenery."

**[٤٠٠٦] ٣٦-(١٥٦٦) وَحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ: كِلَيْهِمَا عَنْ أَبِي الزِّنَادِ. عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يُمْنَعُ فَضْلُ الْمَاءِ لِيُمْنَعَ بِهِ الْكَلَأُ».

**[4007] 37 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Do not withhold surplus water so as to prevent the growth of greenery.'"

**[٤٠٠٧] ٣٧-(...) وحَدَّثَنا** أَبُو الطَّاهِرِ وَحَرْمَلَةُ - وَاللَّفْظُ لِحَرْمَلَةَ -: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: حَدَّثَنِي سَعِيدُ بْنُ الْمُسَيَّبِ وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَٰنِ؛ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تَمْنَعُوا فَضْلَ الْمَاءِ لِتَمْنَعُوا بِهِ الْكَلَأَ».

**[4008] 38 - (...)** Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Surplus water should not be sold as if selling greenery.'"

**[٤٠٠٨] ٣٨-(...) وحَدَّثَنا** أَحْمَدُ بْنُ عُثْمَانَ النَّوْفَلِيُّ: حَدَّثَنَا أَبُو عَاصِمٍ الضَّحَّاكُ بْنُ مَخْلَدٍ: حَدَّثَنَا ابْنُ جُرَيْجٍ:

أَخْبَرَنِي زِيَادُ بْنُ سَعْدٍ؛ أَنَّ هِلَالَ بْنَ أُسَامَةَ أَخْبَرَهُ؛ أَنَّ أَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَٰنِ أَخْبَرَهُ؛ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يُبَاعُ فَضْلُ الْمَاءِ لِيُبَاعَ بِهِ الْكَلَأُ».

## Chapter 9. The Prohibition Of The Price Of A Dog, The Fee Of A Fortuneteller And The Payment Of A Prostitute, And The Prohibition Of Selling Cats

## (المعجم ٩) - (بَابُ تحريم ثمن الكلب، وحلوان الكاهن، ومهر البغيّ. والنهي عن بيع السنور) (التحفة ٣٠)

**[4009] 39 - (1567)** It was narrated from Abû Mas'ûd Al-Anṣârî that the Messenger of Allâh ﷺ forbade the price of a dog, the payment of a prostitute, and the fee of a fortuneteller.

**[٤٠٠٩] ٣٩-(١٥٦٧) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَٰنِ، عَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ ثَمَنِ الْكَلْبِ، وَمَهْرِ الْبَغِيِّ، وَحُلْوَانِ الْكَاهِنِ.

**[4010] (...)** A similar report (as no. 4009) was narrated from Az-Zuhrî with this chain.

**[٤٠١٠] (...) وحَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحٍ عَنِ اللَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، كِلَاهُمَا عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ مِثْلَهُ.

وَفِي حَدِيثِ اللَّيْثِ مِنْ رِوَايَةِ ابْنِ رُمْحٍ؛ أَنَّهُ سَمِعَ أَبَا مَسْعُودٍ.

**[4011] 40 - (1568)** It was narrated that Râfi' bin Khadîj said: "I heard the Prophet ﷺ say:

**[٤٠١١] ٤٠-(١٥٦٨) وحَدَّثَني** مُحَمَّدُ ابْنُ حَاتِمٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ عَنْ

'The worst of earnings are the payment of a prostitute, the price of a dog and the fee of a cupper.'"

مُحَمَّدِ بْنِ يُوسُفَ قَالَ: سَمِعْتُ السَّائِبَ بْنَ يَزِيدَ يُحَدِّثُ عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «شَرُّ الْكَسْبِ مَهْرُ الْبَغِيِّ، وَثَمَنُ الْكَلْبِ، وَكَسْبُ الْحَجَّامِ».

**[4012] 41 - (...)** Râfi' bin Khadîj narrated that the Messenger of Allâh ﷺ said: "The price of a dog is evil, the payment of a prostitute is evil and the earnings of a cupper are evil."

[٤٠١٢] **٤١**-(...) **وَحَدَّثَنَا** إِسْحَقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ قَارِظٍ عَنِ السَّائِبِ بْنِ يَزِيدَ: حَدَّثَنِي رَافِعُ بْنُ خَدِيجٍ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «ثَمَنُ الْكَلْبِ خَبِيثٌ، وَمَهْرُ الْبَغِيِّ خَبِيثٌ، وَكَسْبُ الْحَجَّامِ خَبِيثٌ».

**[4013] (...)** A similar report (as no. 4012) was narrated from Yaḥyâ bin Abî Kathîr with this chain.

[٤٠١٣] (...) **حَدَّثَنَا** إِسْحَقُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ بِهَذَا الْإِسْنَادِ مِثْلَهُ.

**[4014] (...)** Râfi' bin Khadîj narrated a similar report (as no. 4012) from the Messenger of Allâh ﷺ.

[٤٠١٤] (...) **حَدَّثَنَا** إِسْحَقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا النَّضْرُ بْنُ شُمَيْلٍ: حَدَّثَنَا هِشَامٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ عَبْدِ اللهِ عَنِ السَّائِبِ بْنِ يَزِيدَ: حَدَّثَنَا رَافِعُ بْنُ خَدِيجٍ عَنْ رَسُولِ اللهِ ﷺ، بِمِثْلِهِ.

**[4015] 42 - (1569)** It was narrated that Abû Az-Zubair said: "I asked Jâbir about the price of dogs and cats." He said: "The Messenger of Allâh ﷺ forbade that."

[٤٠١٥] **٤٢**-(١٥٦٩) **حَدَّثَنِي** سَلَمَةُ ابْنُ شَبِيبٍ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ: حَدَّثَنَا مَعْقِلٌ عَنْ أَبِي الزُّبَيْرِ قَالَ: سَأَلْتُ

جَابِرًا عَنْ ثَمَنِ الْكَلْبِ وَالسِّنَّوْرِ؟ فَقَالَ: زَجَرَ النَّبِيُّ ﷺ عَنْ ذٰلِكَ.

**Chapter 10. The Command To Kill Dogs, And Its Abrogation. The Prohibition Of Keeping Dogs, Except For Hunting, Farming, (Herding) Livestock And The Like**

(المعجم ١٠) - **(بَابُ الأمر بقتل الكلاب، وبيان نسخه، وبيان تحريم اقتنائها، إلا لصيد أو زرع أوْ ماشية ونحو ذلك)** (التحفة ٣١)

**[4016] 43 - (1570)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ ordered that dogs be killed.

[٤٠١٦] **٤٣**-(١٥٧٠) **حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ أَمَرَ بِقَتْلِ الْكِلَابِ.

**[4017] 44 - (...)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ ordered that dogs be killed, and he sent word to all quarters of Al-Madînah saying that they should be killed."

[٤٠١٧] **٤٤**-(. . .) **حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو أُسَامَةَ: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: أَمَرَ رَسُولُ اللهِ ﷺ بِقَتْلِ الْكِلَابِ، فَأَرْسَلَ فِي أَقْطَارِ الْمَدِينَةِ أَنْ تُقْتَلَ.

**[4018] 45 - (...)** It was narrated that 'Abdullâh bin 'Umar said: "The Messenger of Allâh ﷺ used to order that dogs be killed, and I went throughout Al-Madînah, and we did not spare any dog but we killed it, to such an extent that we would even kill the dog of a woman belonging to the desert people."

[٤٠١٨] **٤٥**-(. . .) **وحَدَّثَنِي** حُمَيْدُ ابْنُ مَسْعَدَةَ: حَدَّثَنَا بِشْرٌ يَعْنِي ابْنَ مُفَضَّلٍ: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ أُمَيَّةَ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ قَالَ: كَانَ رَسُولُ اللهِ ﷺ يَأْمُرُ بِقَتْلِ الْكِلَابِ، فَنَتَبَّعُ فِي الْمَدِينَةِ وَأَطْرَافِهَا فَلَا نَدَعُ كَلْبًا إِلَّا قَتَلْنَاهُ، حَتَّىٰ إِنَّا لَنَقْتُلُ كَلْبَ الْمُرَيَّةِ مِنْ أَهْلِ الْبَادِيَةِ، يَتْبَعُهَا.

**[4019] 46 - (1571)** It was

[٤٠١٩] **٤٦**-(١٥٧١) **حَدَّثَنِي** يَحْيَى

narrated from Ibn 'Umar that the Messenger of Allâh ﷺ enjoined the killing of dogs, except dogs for hunting, and dogs for herding sheep or livestock. It was said to Ibn 'Umar: "Abû Hurairah says: 'Or farm dogs.' Ibn 'Umar said: 'Abû Hurairah had farmland.'"

ابْنُ يَحْيَىٰ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ أَمَرَ بِقَتْلِ الْكِلَابِ، إِلَّا كَلْبَ صَيْدٍ أَوْ كَلْبَ غَنَمٍ، أَوْ مَاشِيَةٍ، فَقِيلَ لِابْنِ عُمَرَ: إِنَّ أَبَا هُرَيْرَةَ يَقُولُ: أَوْ كَلْبَ زَرْعٍ، فَقَالَ ابْنُ عُمَرَ: إِنَّ لِأَبِي هُرَيْرَةَ زَرْعًا.

**[4020] 47 - (1572)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ ordered us to kill dogs, and even if a woman came from the desert with her dog, we would kill it. Then the Prophet ﷺ forbade killing them, and said: 'You should kill the dark black (dog) with two (white) spots (above its eyes), for it is a devil.'"

**[٤٠٢٠] ٤٧-(١٥٧٢) حَدَّثَنَا** مُحَمَّدُ ابْنُ أَحْمَدَ بْنِ أَبِي خَلَفٍ: حَدَّثَنَا رَوْحٌ؛ وَحَدَّثَنِي إِسْحَٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا رَوْحُ ابْنُ عُبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: أَمَرَنَا رَسُولُ اللهِ ﷺ بِقَتْلِ الْكِلَابِ، حَتَّىٰ إِنَّ الْمَرْأَةَ تَقْدَمُ مِنَ الْبَادِيَةِ بِكَلْبِهَا فَنَقْتُلُهُ، ثُمَّ نَهَى النَّبِيُّ ﷺ عَنْ قَتْلِهَا، وَقَالَ: «عَلَيْكُمْ بِالْأَسْوَدِ الْبَهِيمِ ذِي النُّقْطَتَيْنِ، فَإِنَّهُ شَيْطَانٌ».

**[4021] 48 - (1573)** It was narrated that Ibn al-Mughaffal said: "The Messenger of Allâh ﷺ enjoined the killing of dogs, then he said: 'What is the problem with them and dogs?' Then he granted a concession with regard to dogs for hunting and herding sheep."

**[٤٠٢١] ٤٨-(١٥٧٣) وَحَدَّثَنَا** عُبَيْدُ اللهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي التَّيَّاحِ؛ سَمِعَ مُطَرِّفَ بْنَ عَبْدِ اللهِ عَنِ ابْنِ الْمُغَفَّلِ قَالَ: أَمَرَ رَسُولُ اللهِ ﷺ بِقَتْلِ الْكِلَابِ، ثُمَّ قَالَ: «مَا بَالُهُمْ وَبَالُ الْكِلَابِ؟» ثُمَّ رَخَّصَ فِي كَلْبِ الصَّيْدِ وَكَلْبِ الْغَنَمِ.

**[4022] 49 - (...)** It was narrated from Shu'bah (a *Hadîth* similar to no. 4021, with a different chain of narrators) with this chain.

Ibn Hâtim said in his *Hadîth* from Yahyâ: He (ﷺ) granted a concession with regard to dogs for herding sheep, hunting and (guard dogs) in farms.

**[٤٠٢٢] ٤٩-(...)** وَحَدَّثَنِيهِ يَحْيَى ابْنُ حَبِيبٍ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ؛ وَحَدَّثَنِي مُحَمَّدُ ابْنُ الْوَلِيدِ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا النَّضْرُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ، كُلُّهُمْ عَنْ شُعْبَةَ بِهَٰذَا الْإِسْنَادِ.

وَقَالَ ابْنُ حَاتِمٍ فِي حَدِيثِهِ عَنْ يَحْيَىٰ: وَرَخَّصَ فِي كَلْبِ الْغَنَمِ وَالصَّيْدِ وَالزَّرْعِ.

**[4023] 50 - (1574)** It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever keeps a dog except a dog for herding livestock or hunting, two *Qîrâț* will be deducted from his reward every day.'"

**[٤٠٢٣] ٥٠-(١٥٧٤)** وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ اقْتَنَىٰ كَلْبًا إِلَّا كَلْبَ مَاشِيَةٍ أَوْ ضَارِيًا نَقَصَ مِنْ أَجْرِهِ، كُلَّ يَوْمٍ، قِيرَاطَانِ».

**[4024] 51 - (...)** It was narrated from Sâlim, from his father, that the Messenger of Allâh ﷺ said: "Whoever keeps a dog, except a dog for hunting or herding livestock, two *Qîrâț* will be deducted from his reward every day."

**[٤٠٢٤] ٥١-(...)** وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ وَابْنُ نُمَيْرٍ قَالُوا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنِ اقْتَنَىٰ كَلْبًا، إِلَّا كَلْبَ صَيْدٍ أَوْ مَاشِيَةٍ نَقَصَ مِنْ أَجْرِهِ، كُلَّ يَوْمٍ، قِيرَاطَانِ».

**[4025] 52 - (...)** It was narrated

**[٤٠٢٥] ٥٢-(...)** حَدَّثَنَا يَحْيَى

from 'Abdullâh bin Dînâr that he heard Ibn 'Umar say: "The Messenger of Allâh ﷺ said: 'Whoever keeps a dog, except a dog for hunting or herding livestock, two *Qîrâț* will be deducted from his (good) deeds every day.'"

ابْنُ يَحْيَىٰ وَيَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ - قَالَ يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ: حَدَّثَنَا - إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ، عَنْ عَبْدِاللهِ بْنِ دِينَارٍ؛ أَنَّهُ سَمِعَ ابْنَ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ اقْتَنَىٰ كَلْبًا إِلَّا كَلْبَ ضَارِيَةٍ أَوْ مَاشِيَةٍ، نَقَصَ مِنْ عَمَلِهِ، كُلَّ يَوْمٍ، قِيرَاطَانِ».

**[4026] 53 - (...)** It was narrated from Sâlim bin 'Abdullâh, from his father, that the Messenger of Allâh ﷺ said: "Whoever keeps a dog except a dog for guarding livestock or a hunting dog, a *Qîrâț* will be deducted from his (good) deeds every day."

'Abdullâh said: And Abû Hurairah said: "Or a farm dog."

[٤٠٢٦] **٥٣-(...) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ وَيَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ - قَالَ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ: حَدَّثَنَا - إِسْمَاعِيلُ [وَهُوَ ابْنُ جَعْفَرٍ] عَنْ مُحَمَّدٍ وَهُوَ ابْنُ أَبِي حَرْمَلَةَ عَنْ سَالِمِ بْنِ عَبْدِ اللهِ، عَنْ أَبِيهِ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ اقْتَنَىٰ كَلْبًا إِلَّا كَلْبَ مَاشِيَةٍ أَوْ كَلْبَ صَيْدٍ، نَقَصَ مِنْ عَمَلِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ».

قَالَ عَبْدُ اللهِ: وَقَالَ أَبُو هُرَيْرَةَ: «أَوْ كَلْبَ حَرْثٍ».

**[4027] 54 - (...)** It was narrated from Sâlim, from his father, that the Messenger of Allâh ﷺ said: "Whoever keeps a dog, except a dog for hunting or herding livestock, two *Qîrâț* will be deducted from his (good) deeds every day."

[٤٠٢٧] **٥٤-(...) حَدَّثَنَا** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا وَكِيعٌ: حَدَّثَنَا حَنْظَلَةُ ابْنُ أَبِي سُفْيَانَ عَنْ سَالِمٍ، عَنْ أَبِيهِ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «مَنِ اقْتَنَىٰ كَلْبًا إِلَّا كَلْبَ ضَارِي أَوْ مَاشِيَةٍ، نَقَصَ مِنْ عَمَلِهِ كُلَّ يَوْمٍ، قِيرَاطَانِ».

Sâlim said: And Abû Hurairah used to say, "Or a farm dog," and he owned farmland.

قَالَ سَالِمٌ: وَكَانَ أَبُو هُرَيْرَةَ يَقُولُ: «أَوْ كَلْبَ حَرْثٍ» وَكَانَ صَاحِبَ حَرْثٍ.

**[4028] 55 - (...)** Sâlim bin 'Abdullâh narrated that his father said: "The Messenger of Allâh ﷺ said: 'Any household that keeps a dog, except a dog for herding livestock or a dog for hunting, two *Qîrâṭ* will be deducted from their (good) deeds, every day.'"

[٤٠٢٨] **٥٥-(...) حَدَّثَنَا** دَاوُدُ بْنُ رُشَيْدٍ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ: أَخْبَرَنَا عُمَرُ بْنُ حَمْزَةَ بْنِ عَبْدِ اللهِ بْنِ عُمَرَ: حَدَّثَنَا سَالِمُ بْنُ عَبْدِ اللهِ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «أَيُّمَا أَهْلِ دَارٍ اتَّخَذُوا كَلْبًا إِلَّا كَلْبَ مَاشِيَةٍ أَوْ كَلْبَ صَائِدٍ، نَقَصَ مِنْ عَمَلِهِمْ، كُلَّ يَوْمٍ، قِيرَاطَانِ».

**[4029] 56 - (...)** It was narrated that Abul-Hakam said: I heard Ibn 'Umar narrating that the Prophet ﷺ said: "Whoever keeps a dog, except a (guard) dog in farming, herding sheep or hunting, one *Qîrâṭ* will be deducted from his reward every day."

[٤٠٢٩] **٥٦-(...) حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّى وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّى - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ أَبِي الْحَكَمِ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يُحَدِّثُ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنِ اتَّخَذَ كَلْبًا إِلَّا كَلْبَ زَرْعٍ أَوْ غَنَمٍ أَوْ صَيْدٍ، يَنْقُصُ مِنْ أَجْرِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ».

**[4030] 57 - (1575)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever keeps a dog that is not a dog for hunting, livestock or land, two *Qîrâṭ* will be deducted from his reward every day."

[٤٠٣٠] **٥٧-(١٥٧٥) وحَدَّثَنَا** أَبُو الطَّاهِرِ وَحرْمَلَةُ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «مَنِ اقْتَنَىٰ كَلْبًا لَيْسَ بِكَلْبِ صَيْدٍ وَلَا مَاشِيَةٍ وَلَا أَرْضٍ، فَإِنَّهُ يَنْقُصُ مِنْ أَجْرِهِ قِيرَاطَانِ، كُلَّ يَوْمٍ».

وَلَيْسَ فِي حَدِيثِ أَبِي الطَّاهِرِ: «وَلَا أَرْضٍ».

[٤٠٣١] ٥٨-(...) **حَدَّثَنَا** عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ اتَّخَذَ كَلْبًا، إِلَّا كَلْبَ مَاشِيَةٍ أَوْ صَيْدٍ أَوْ زَرْعٍ، انْتَقَصَ مِنْ أَجْرِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ».

قَالَ الزُّهْرِيُّ: فَذُكِرَ لِابْنِ عُمَرَ قَوْلُ أَبِي هُرَيْرَةَ، فَقَالَ: يَرْحَمُ اللهُ أَبَا هُرَيْرَةَ كَانَ صَاحِبَ زَرْعٍ.

**[4031] 58 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever acquires a dog that is not a dog for herding livestock, hunting or (guard dog) in farms, one *Qîrâṭ* will be deducted from his reward every day.'"

Az-Zuhrî said: "The words of Abû Hurairah were mentioned to Ibn 'Umar and he said: 'May Allâh have mercy on Abû Hurairah, he owned farmland.'"

[٤٠٣٢] ٥٩-(...) **حَدَّثَنِي** زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا هِشَامٌ الدَّسْتَوَائِيُّ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَمْسَكَ كَلْبًا فَإِنَّهُ يَنْقُصُ مِنْ عَمَلِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ، إِلَّا كَلْبَ حَرْثٍ أَوْ مَاشِيَةٍ».

**[4032] 59 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever keeps a dog, one *Qîrâṭ* will be deducted from his (good) deeds every day, except a (guard) dog in farms or herding livestock.'"

[٤٠٣٣] (...) **وحَدَّثَنَا** إِسْحَاقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا شُعَيْبُ بْنُ إِسْحَاقَ: حَدَّثَنَا الْأَوْزَاعِيُّ: حَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ: حَدَّثَنِي أَبُو سَلَمَةَ ابْنُ عَبْدِ الرَّحْمَٰنِ: حَدَّثَنِي أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ بِمِثْلِهِ.

**[4033] (...)** Abû Hurairah narrated a similar report (as no. 4032) from the Messenger of Allâh ﷺ.

[4034] (...) Yaḥyâ bin Abî Kathîr narrated a similar report (as no. 4032) with this chain.

[٤٠٣٤] (...) حَدَّثَنَا أَحْمَدُ بْنُ الْمُنْذِرِ: حَدَّثَنَا عَبْدُ الصَّمَدِ: حَدَّثَنَا حَرْبٌ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ بِهٰذَا الْإِسْنَادِ، مِثْلَهُ.

[4035] 60 - (...) Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever acquires a dog that is not a dog for hunting or herding sheep, one *Qîrâṭ* will be deducted from his (good) deeds every day.'"

[٤٠٣٥] ٦٠-(...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْوَاحِدِ يَعْنِي ابْنَ زِيَادٍ، عَنْ إِسْمَاعِيلَ بْنِ سُمَيْعٍ: حَدَّثَنَا أَبُو رَزِينٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ اتَّخَذَ كَلْبًا لَيْسَ بِكَلْبِ صَيْدٍ وَلَا غَنَمٍ، نَقَصَ مِنْ عَمَلِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ».

[4036] 61 - (1576) As-Sâ'ib bin Yazîd narrated that he heard Sufyân bin Abî Zuhair, who was a man of Shanû'ah and one of the Companions of the Messenger of Allâh ﷺ, say: "I heard the Messenger of Allâh ﷺ say: "Whoever keeps a dog that is not used in the farm or herding livestock, one *Qîrâṭ* will be deducted from his good deeds every day." He said: "Did you hear that from the Messenger of Allâh ﷺ?" He said: "Yes, by the Lord of this *Masjid*."

[٤٠٣٦] ٦١-(١٥٧٦) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ يَزِيدَ بْنِ خُصَيْفَةَ؛ أَنَّ السَّائِبَ بْنَ يَزِيدَ أَخْبَرَهُ؛ أَنَّهُ سَمِعَ سُفْيَانَ ابْنَ أَبِي زُهَيْرٍ وَهُوَ رَجُلٌ مِنْ شَنُوءَةَ مِنْ أَصْحَابِ رَسُولِ اللهِ ﷺ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنِ اقْتَنَىٰ كَلْبًا لَا يُغْنِي عَنْهُ زَرْعًا وَلَا ضَرْعًا، نَقَصَ مِنْ عَمَلِهِ، كُلَّ يَوْمٍ، قِيرَاطٌ» قَالَ: آنْتَ سَمِعْتَ هٰذَا مِنْ رَسُولِ اللهِ ﷺ؟ قَالَ: إِي، وَرَبِّ هٰذَا الْمَسْجِدِ.

[4037] (...) As-Sâ'ib bin Yazîd narrated that Sufyân bin Abî Zuhair Ash-Shanâ'î came to

[٤٠٣٧] (...) حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ قَالُوا: حَدَّثَنَا

them and said: "The Messenger of Allâh ﷺ said..." a similar report (as *Hadîth* no. 4036).

إِسْمَاعِيلُ عَنْ يَزِيدَ بْنِ خُصَيْفَةَ: أَخْبَرَنِي السَّائِبُ بْنُ يَزِيدَ؛ أَنَّهُ وَفَدَ عَلَيْهِمْ سُفْيَانُ ابْنُ أَبِي زُهَيْرٍ الشَّنَائِيُّ. فَقَالَ: قَالَ رَسُولُ اللهِ ﷺ، بِمِثْلِهِ.

## Chapter 11. The Permissibility Of A Cupper's Earnings

## (المعجم ١١) - (بَابُ حل أجرة الحجامة) (التحفة ٣٢)

**[4038] 62 - (1577)** It was narrated that Humaid said: "Anas bin Mâlik was asked about the earnings of a cupper and he said: 'The Messenger of Allâh ﷺ was treated with cupping by Abû Taibah, and he ordered that he be given two *Sâ'* of food. He spoke to his masters, and they waived their portion of his earnings, and he said: 'The best thing with which you may be treated is cupping,' or 'it is one of the best of your remedies.'"

**[٤٠٣٨] ٦٢-(١٥٧٧) حَدَّثَنَا** يَحْيَى ابْنُ أَيُّوبَ وَقُتَيْبَةُ [بْنُ سَعِيدٍ] وَعَلِيُّ بْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ يَعْنُونَ ابْنَ جَعْفَرٍ عَنْ حُمَيْدٍ قَالَ: سُئِلَ أَنَسُ بْنُ مَالِكٍ عَنْ كَسْبِ الْحَجَّامِ؟ فَقَالَ: احْتَجَمَ رَسُولُ اللهِ ﷺ، حَجَمَهُ أَبُو طَيْبَةَ، فَأَمَرَ لَهُ بِصَاعَيْنِ مِنْ طَعَامٍ، وَكَلَّمَ أَهْلَهُ فَوَضَعُوا عَنْهُ مِنْ خَرَاجِهِ، وَقَالَ: «إِنَّ أَفْضَلَ مَا تَدَاوَيْتُمْ بِهِ الْحِجَامَةُ، أَوْ هُوَ مِنْ أَمْثَلِ دَوَائِكُمْ». [انظر: ٥٧٤٠]

**[4039] 63 - (...)** It was narrated that Humaid said: "Anas was asked about the earnings of a cupper..." and he mentioned a similar report (as no. 4038), except that he said: "Among the best things with which you may be treated are cupping and *Al-Qust Al-Bahrî* (a kind of incense), and do not torment your children by pressing the back of their throats."

**[٤٠٣٩] ٦٣-(...) حَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا مَرْوَانُ يَعْنِي الْفَزَارِيَّ عَنْ حُمَيْدٍ قَالَ: سُئِلَ أَنَسٌ عَنْ كَسْبِ الْحَجَّامِ؟ فَذَكَرَ بِمِثْلِهِ، غَيْرَ أَنَّهُ قَالَ: «إِنَّ أَفْضَلَ مَا تَدَاوَيْتُمْ بِهِ الْحِجَامَةُ وَالْقُسْطُ الْبَحْرِيُّ، وَلَا تُعَذِّبُوا صِبْيَانَكُمْ بِالْغَمْزِ».

[٤٠٤٠] ٦٤-(...) حَدَّثَنَا أَحْمَدُ ابْنُ الْحَسَنِ بْنِ خِرَاشٍ: حَدَّثَنَا شَبَابَةُ: حَدَّثَنَا شُعْبَةُ عَنْ حُمَيْدٍ قَالَ: سَمِعْتُ أَنَسًا يَقُولُ: دَعَا النَّبِيُّ ﷺ غُلَامًا لَنَا حَجَّامًا، فَحَجَمَهُ، فَأَمَرَ لَهُ بِصَاعٍ أَوْ مُدٍّ أَوْ مُدَّيْنِ، وَكَلَّمَ فِيهِ، فَخُفِّفَ عَنْ ضَرِيبَتِهِ.

**[4040] 64 - (...)** It was narrated that Humaid said: "I heard Anas say: 'The Prophet ﷺ called a slave of ours who was a cupper, and he treated him with cupping, and he ordered that he given a *Ṣâ'*, or a *Mudd*, or two *Mudd*. And he spoke (to his master) about him, and he reduced his (the master's) portion of his earnings.'"

[٤٠٤١] ٦٥-(١٢٠٢) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَّانُ ابْنُ مُسْلِمٍ؛ وَحَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا الْمَخْزُومِيُّ، كِلَاهُمَا عَنْ وُهَيْبٍ: حَدَّثَنَا ابْنُ طَاوُسٍ عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ؛ أَنَّ رَسُولَ اللهِ ﷺ احْتَجَمَ وَأَعْطَى الْحَجَّامَ أَجْرَهُ، وَاسْتَعَطَ. [راجع: ٢٨٨٥]

**[4041] 65 - (1202)** It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ was treated with cupping, and he gave the cupper his wages, and he put medicine in his nose.

[٤٠٤٢] ٦٦-(...) حَدَّثَنَا إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ - وَاللَّفْظُ لِعَبْدٍ - قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ، عَنِ ابْنِ عَبَّاسٍ قَالَ: حَجَمَ النَّبِيَّ ﷺ عَبْدٌ لِبَنِي بَيَاضَةَ، فَأَعْطَاهُ النَّبِيُّ ﷺ أَجْرَهُ، وَكَلَّمَ سَيِّدَهُ فَخَفَّفَ عَنْهُ مِنْ ضَرِيبَتِهِ، وَلَوْ كَانَ سُحْتًا لَمْ يُعْطِهِ النَّبِيُّ ﷺ. [راجع: ٢٨٨٥])

**[4042] 66 - (...)** It was narrated that Ibn 'Abbâs said: "The Prophet was treated with cupping by a slave of Banû Baiâḍah, and the Prophet ﷺ gave him his wages, and spoke to his master, who reduced his (the master's) portion of his earnings. If it were unlawful the Prophet ﷺ would not have given him anything."

## Chapter 12. The Prohibition Of Selling Wine

(المعجم ١٢) - (بَابُ تحريم بيع الخمر) (التحفة ٣٣)

**[4043] 67 - (1578)** It was narrated that Abû Sa'eed Al-Khudrî said: "I heard the Messenger of Allâh ﷺ delivering a *Khutbah* in Al-Madînah. He said: 'O people, Allâh is hinting about wine, and perhaps He will reveal something about it, so whoever has any of it, let him sell it and benefit from it.' It was not long before the Prophet ﷺ said: 'Allâh has forbidden wine, so whoever hears this Verse and has any of it, he should not drink it or sell it.' The people went to whatever they had of it, and poured it out into the streets of Al-Madînah."

[٤٠٤٣] ٦٧-(١٥٧٨) حَدَّثَنَا عُبَيْدُ اللهِ بْنُ عُمَرَ الْقَوَارِيرِيُّ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَىٰ أَبُو هَمَّامٍ: حَدَّثَنَا سَعِيدٌ الْجُرَيْرِيُّ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ سَمِعْتُ رَسُولَ اللهِ ﷺ يَخْطُبُ بِالْمَدِينَةِ قَالَ: «يَا أَيُّهَا النَّاسُ! إِنَّ اللهَ تَعَالَىٰ يُعَرِّضُ بِالْخَمْرِ، وَلَعَلَّ اللهَ سَيُنْزِلُ فِيهَا أَمْرًا، فَمَنْ كَانَ عِنْدَهُ مِنْهَا شَيْءٌ فَلْيَبِعْهُ وَلْيَنْتَفِعْ بِهِ». قَالَ: فَمَا لَبِثْنَا إِلَّا يَسِيرًا حَتَّىٰ قَالَ النَّبِيُّ ﷺ: «إِنَّ اللهَ تَعَالَىٰ حَرَّمَ الْخَمْرَ فَمَنْ أَدْرَكَتْهُ هٰذِهِ الْآيَةُ وَعِنْدَهُ مِنْهَا شَيْءٌ فَلَا يَشْرَبْ وَلَا يَبِعْ» قَالَ: فَاسْتَقْبَلَ النَّاسُ بِمَا كَانَ عِنْدَهُمْ مِنْهَا، فِي طَرِيقِ الْمَدِينَةِ، فَسَفَكُوهَا.

**[4044] 68 - (1579)** It was narrated from 'Abdur-Rahmân bin Wa'lah As-Saba'î, who was from Egypt, that he asked 'Abdullâh bin 'Abbâs about that which is extracted from grapes. Ibn 'Abbâs said: "A man gave the Messenger of Allâh ﷺ a small water-skin full of wine, and the Messenger of Allâh ﷺ said to him: 'Do you know that Allâh,

[٤٠٤٤] ٦٨-(١٥٧٩) حَدَّثَنَا سُوَيْدُ ابْنُ سَعِيدٍ: حَدَّثَنَا حَفْصُ بْنُ مَيْسَرَةَ عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ وَعْلَةَ - رَجُلٌ مِنْ أَهْلِ مِصْرَ - أَنَّهُ جَاءَ عَبْدَ اللهِ ابْنَ عَبَّاسٍ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ - وَاللَّفْظُ لَهُ -: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَالِكُ بْنُ أَنَسٍ وَغَيْرُهُ عَنْ زَيْدِ بْنِ أَسْلَمَ،

may He be exalted, has forbidden it?' He said: 'No,' then he whispered to another man. The Messenger of Allâh ﷺ said: 'What are you whispering about?' He said: 'I told him to sell it.' He said: 'The One Who has forbidden drinking it has also forbidden selling it.' So he opened the skin until its contents drained away."

عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ وَعْلَةَ السَّبَإِيِّ - مِنْ أَهْلِ مِصْرَ - أَنَّهُ سَأَلَ عَبْدَ اللهِ بْنَ عَبَّاسٍ عَمَّا يُعْصَرُ مِنَ الْعِنَبِ؟ قَالَ ابْنُ عَبَّاسٍ: إِنَّ رَجُلًا أَهْدَىٰ لِرَسُولِ اللهِ ﷺ رَاوِيَةَ خَمْرٍ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «هَلْ عَلِمْتَ أَنَّ اللهَ تَعَالَى قَدْ حَرَّمَهَا؟» قَالَ: لَا، فَسَارَّ إِنْسَانًا، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «بِمَ سَارَرْتَهُ؟» فَقَالَ: أَمَرْتُهُ بِبَيْعِهَا، فَقَالَ: «إِنَّ الَّذِي حَرَّمَ شُرْبَهَا حَرَّمَ بَيْعَهَا» قَالَ: فَفَتَحَ الْمَزَادَةَ حَتَّىٰ ذَهَبَ مَا فِيهَا.

**[4045]** (...) A similar report (as no. 4044) was narrated from 'Abdullâh bin 'Abbâs, from the Messenger of Allâh ﷺ.

[٤٠٤٥] (...) **حَدَّثَنِي** أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي سُلَيْمَانُ بْنُ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ وَعْلَةَ، عَنْ عَبْدِ اللهِ بْنِ عَبَّاسٍ عَنْ رَسُولِ اللهِ ﷺ مِثْلَهُ.

**[4046] 69 - (1580)** It was narrated that 'Âishah said: "When the Verses at the end of *Sûrat Al-Baqarah* were revealed, the Messenger of Allâh ﷺ came out and recited them to the people, then he forbade dealing in wine."

**[٤٠٤٦] ٦٩-(١٥٨٠) حَدَّثَنَا** زُهَيْرُ ابْنُ حَرْبٍ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - قَالَ زُهَيْرٌ: حَدَّثَنَا، وَقَالَ إِسْحَٰقُ: أَخْبَرَنَا - جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ أَبِي الضُّحَىٰ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا نَزَلَتِ الْآيَاتُ مِنْ آخِرِ سُورَةِ الْبَقَرَةِ، خَرَجَ رَسُولُ اللهِ ﷺ فَاقْتَرَأَهُنَّ عَلَىٰ النَّاسِ، ثُمَّ نَهَىٰ عَنِ التِّجَارَةِ فِي الْخَمْرِ.

**[4047] 70 - (...)** It was narrated that 'Âishah said: "When the Verses about *Ribâ* at the end of *Sûrat Al-Baqarah* were revealed, the Messenger of Allâh ﷺ went out to the *Masjid* and forbade dealing in wine."

[٤٠٤٧] ٧٠-(...) حَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وأَبُو كُرَيْبٍ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لأَبِي كُرَيْبٍ - قَالَ إِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا أُنْزِلَتِ الْآيَاتُ مِنْ آخِرِ سُورَةِ الْبَقَرَةِ، فِي الرِّبَا، قَالَتْ: خَرَجَ رَسُولُ اللهِ ﷺ إِلَى الْمَسْجِدِ، فَحَرَّمَ التِّجَارَةَ فِي الْخَمْرِ.

## Chapter 13. The Prohibition Of Selling Wine, Dead Meat, Pork And Idols

## (المعجم ١٣) - (بَابُ تحريم بيع الخمر والميتة والخنزير والأصنام)

(التحفة ٣٤)

**[4048] 71 - (1581)** It was narrated from Jâbir bin 'Abdullâh that he heard the Messenger of Allâh ﷺ say, during the Year of the Conquest while he was in Makkah: "Allâh and His Messenger have forbidden the sale of wine, dead meat, pork and idols." It was said: "O Messenger of Allâh, what do you think about the fat of dead meat, for it is used for caulking ships, daubing hides, and the people use it in their lamps?" He said: "No, it is unlawful." Then the Messenger of Allâh ﷺ said: "May Allâh destroy the Jews, for Allâh forbade the fat to them, but they melted it, then they sold it and consumed its price."

[٤٠٤٨] ٧١-(١٥٨١) حَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ أَنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ يَقُولُ، عَامَ الْفَتْحِ، وَهُوَ بِمَكَّةَ: «إِنَّ اللهَ وَرَسُولَهُ حَرَّمَ بَيْعَ الْخَمْرِ وَالْمَيْتَةِ وَالْخِنْزِيرِ وَالْأَصْنَامِ» فَقِيلَ: يَا رَسُولَ اللهِ أَرَأَيْتَ شُحُومَ الْمَيْتَةِ فَإِنَّهُ يُطْلَىٰ بِهَا السُّفُنُ وَتُدْهَنُ بِهَا الْجُلُودُ وَيَسْتَصْبِحُ بِهَا النَّاسُ؟ فَقَالَ: «لَا، هُوَ حَرَامٌ» ثُمَّ قَالَ رَسُولُ اللهِ ﷺ، عِنْدَ ذٰلِكَ: «قَاتَلَ اللهُ الْيَهُودَ، إِنَّ اللهَ [عَزَّ وَجَلَّ] لَمَّا حَرَّمَ عَلَيْهِمْ شُحُومَهَا، أَجْمَلُوهُ ثُمَّ بَاعُوهُ، فَأَكَلُوا ثَمَنَهُ».

**[4049]** **(...)** Jâbir bin 'Abdullâh said: "I heard the Messenger of Allâh ﷺ during the Year of the Conquest..." a *Hadîth* like that of Al-Laith (no. 4048).

[٤٠٤٩] (...) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَابْنُ نُمَيْرٍ قَالَا: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ عَبْدِ الْحَمِيدِ بْنِ جَعْفَرٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ عَامَ الْفَتْحِ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا الضَّحَّاكُ يَعْنِي أَبَا عَاصِمٍ عَنْ عَبْدِ الْحَمِيدِ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَبِيبٍ قَالَ: كَتَبَ إِلَيَّ عَطَاءٌ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ، عَامَ الْفَتْحِ، بِمِثْلِ حَدِيثِ اللَّيْثِ.

**[4050]** **72 - (1582)** It was narrated that Ibn 'Abbâs said: "'Umar heard that Samurah was selling wine, and he said: 'May Allâh destroy Samurah. Does he not know that the Messenger of Allâh ﷺ said: "May Allâh curse the Jews; fat was forbidden to them but they melted it and sold it"?'"

[٤٠٥٠] ٧٢-(١٥٨٢) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ وَإِسْحَاقُ ابْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرٍو، عَنْ طَاوُسٍ، عَنِ ابْنِ عَبَّاسٍ قَالَ: بَلَغَ عُمَرَ أَنَّ سَمُرَةَ بَاعَ خَمْرًا، فَقَالَ: قَاتَلَ اللهُ سَمُرَةَ، أَلَمْ يَعْلَمْ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَعَنَ اللهُ الْيَهُودَ، حُرِّمَتْ عَلَيْهِمُ الشُّحُومُ فَجَمَلُوهَا فَبَاعُوهَا؟».

**[4051]** **(...)** A similar report (as no. 4050) was narrated from 'Amr bin Dînâr with this chain.

[٤٠٥١] (...) حَدَّثَنَا أُمَيَّةُ بْنُ بِسْطَامَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا رَوْحٌ يَعْنِي ابْنَ الْقَاسِمِ عَنْ عَمْرِو بْنِ دِينَارٍ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ.

**[4052] 73 - (1583)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "May Allâh destroy the Jews. Allâh forbade fat to them, so they sold it and consumed its price."

[٤٠٥٢] **٧٣-(١٥٨٣)** **وَحَدَّثَنَا** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ [الْحَنْظَلِيُّ]: حَدَّثَنَا رَوْحُ ابْنُ عُبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي ابْنُ شِهَابٍ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ أَنَّهُ حَدَّثَهُ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «قَاتَلَ اللهُ الْيَهُودَ، حَرَّمَ اللهُ عَلَيْهِمُ الشُّحُومَ فَبَاعُوهَا وَأَكَلُوا أَثْمَانَهَا».

**[4053] 74 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'May Allâh destroy the Jews. Fat was forbidden to them so they sold it and consumed its price.'"

[٤٠٥٣] **٧٤-(...)** **وَحَدَّثَنِي** حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «قَاتَلَ اللهُ الْيَهُودَ، حُرِّمَ عَلَيْهِمُ الشَّحْمُ فَبَاعُوهُ وَأَكَلُوا ثَمَنَهُ».

## Chapter 14. *Ribâ* (Usury, Interest)

## (المعجم ١٤) - (بَابُ الربا)

(التحفة ٣٥)

**[4054] 75 - (1584)** It was narrated from Abû Sa'eed Al-Khudrî that the Messenger of Allâh ﷺ said: "Do not sell gold for gold except like for like, and do not give more of one and less of the other. Do not sell silver except like for like, and do not give more of one and less of the other. And do not exchange something to be given later for something to be given now."

[٤٠٥٤] **٧٥-(١٥٨٤)** **حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تَبِيعُوا الذَّهَبَ بِالذَّهَبِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشِفُّوا بَعْضَهَا عَلَىٰ بَعْضٍ، وَلَا تَبِيعُوا الْوَرِقَ بِالْوَرِقِ إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشِفُّوا بَعْضَهَا عَلَىٰ بَعْضٍ، وَلَا تَبِيعُوا مِنْهَا غَائِبًا بِنَاجِزٍ». [انظر: ٤٠٦٤]

**[4055] 67 - (...)** Abû Sa'eed Al-Khudrî narrated this from the Messenger of Allâh ﷺ - according to the report of Qutaibah, 'Abdullâh and Nâfi' went with him; and according to the *Hadîth* of Ibn Rumh, Nâfi' said: "'Abdullâh and Al-Laithi and I went with him" - "until he entered upon Abû Sa'eed Al-Khudrî who said: 'This one told me that you are narrating that the Messenger of Allâh ﷺ forbade selling silver for silver except like for like, and selling gold for gold except like for like.' Abû Sa'eed pointed to his eyes and ears and said: 'My eyes saw, and my ears heard the Messenger of Allâh ﷺ saying: "Do not sell gold for gold, and do not sell silver for silver, except like for like, and do not give more of one and less of the other, and do not exchange something to be given later for something to be given now, except hand to hand."

[٤٠٥٥] ٧٦-(...) **حَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ نَافِعٍ؛ أَنَّ ابْنَ عُمَرَ قَالَ لَهُ رَجُلٌ مِنْ بَنِي لَيْثٍ: إِنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ يَأْثُرُ هٰذَا عَنْ رَسُولِ اللهِ ﷺ - فِي رِوَايَةِ قُتَيْبَةَ - فَذَهَبَ عَبْدُ اللهِ وَنَافِعٌ مَعَهُ - وَفِي حَدِيثِ ابْنِ رُمْحٍ: قَالَ نَافِعٌ: فَذَهَبَ عَبْدُ اللهِ وَأَنَا مَعَهُ وَاللَّيْثِيُّ - حَتَّىٰ دَخَلَ عَلَىٰ أَبِي سَعِيدٍ الْخُدْرِيِّ، فَقَالَ: إِنَّ هٰذَا أَخْبَرَنِي أَنَّكَ تُخْبِرُ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ بَيْعِ الْوَرِقِ بِالْوَرِقِ إِلَّا مِثْلًا بِمِثْلٍ، وَعَنْ بَيْعِ الذَّهَبِ بِالذَّهَبِ إِلَّا مِثْلًا بِمِثْلٍ. فَأَشَارَ أَبُو سَعِيدٍ بِإِصْبَعَيْهِ إِلَىٰ عَيْنَيْهِ وَأُذُنَيْهِ. فَقَالَ: أَبْصَرَتْ عَيْنَايَ وَسَمِعَتْ أُذُنَايَ رَسُولَ اللهِ ﷺ يَقُولُ: «لَا تَبِيعُوا الذَّهَبَ بِالذَّهَبِ، وَلَا تَبِيعُوا الْوَرِقَ بِالْوَرِقِ، إِلَّا مِثْلًا بِمِثْلٍ، وَلَا تُشِفُّوا بَعْضَهُ عَلَىٰ بَعْضٍ، وَلَا تَبِيعُوا شَيْئًا غَائِبًا مِنْهُ بِنَاجِزٍ، إِلَّا يَدًا بِيَدٍ».

**[4056] (...)** A *Hadîth* similar to that of Al-Laith from Nâfi' (no. 4055) was narrated from Abû Sa'eed Al-Khudrî from the Prophet ﷺ.

[٤٠٥٦] (...) **حَدَّثَنَا** شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا جَرِيرٌ يَعْنِي ابْنَ حَازِمٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ يَحْيَى ابْنَ سَعِيدٍ؛

وَحَدَّثَنِي مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنِ ابْنِ عَوْنٍ، كُلُّهُمْ عَنْ نَافِعٍ. بِنَحْوِ حَدِيثِ اللَّيْثِ عَنْ نَافِعٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنِ النَّبِيِّ ﷺ

**[4057] 77 - (...)** It was narrated from Abû Sa'eed Al-Khudrî that the Messenger of Allâh ﷺ said: "Do not sell gold for gold, or silver for silver, except weight for weight, like for like, same for same."

[٤٠٥٧] ٧٧-(...) **وحدَّثنا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَٰنِ الْقَارِيَّ عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تَبِيعُوا الذَّهَبَ بِالذَّهَبِ وَلَا الْوَرِقَ بِالْوَرِقِ، إِلَّا وَزْنًا بِوَزْنٍ، مِثْلًا بِمِثْلٍ، سَوَاءً بِسَوَاءٍ».

**[4058] 78 - (1585)** It was narrated from 'Uthmân bin 'Affân that the Messenger of Allâh ﷺ said: "Do not sell one Dînâr for two Dînâr, or one Dirham for two Dirham."

[٤٠٥٨] ٧٨-(١٥٨٥) **حَدَّثَني** أَبُو الطَّاهِرِ وَهَٰرُون بْنُ سَعِيدٍ [الأَيْلِيُّ]. وَأَحْمَدُ بْنُ عِيسَىٰ قَالُوا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَخْرَمَةُ عَنْ أَبِيهِ قَالَ: سَمِعْتُ سُلَيْمَانَ بْنَ يَسَارٍ يَقُولُ: إِنَّهُ سَمِعَ مَالِكَ بْنَ أَبِي عَامِرٍ يُحَدِّثُ عَنْ عُثْمَانَ بْنِ عَفَّانَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تَبِيعُوا الدِّينَارَ بِالدِّينَارَيْنِ، وَلَا الدِّرْهَمَ بِالدِّرْهَمَيْنِ».

## Chapter 15. Exchange And Selling Gold For Silver On The Spot

## (المعجم ١٥) - (بَابُ الصرف وبيع الذهب بالورق نقدا) (التحفة ٣٦)

**[4059] 79 - (1586)** It was narrated from Mâlik bin Aws bin Al-Ḥadathân that he said: "I was

[٤٠٥٩] ٧٩-(١٥٨٦) **حَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا [مُحَمَّدُ]

going around saying: 'Who will exchange Dirham (for my gold)?' Ṭalḥah bin 'Ubaidullâh, who was with 'Umar bin Al-Khaṭṭâb, said: 'Show us your gold, then come to us later, when our servant comes, and we will give you your silver.' 'Umar bin Al-Khaṭṭâb said: 'No, by Allâh! Either give him his silver (now) or give him back his gold, for the Messenger of Allâh ﷺ said: "Silver for gold is *Ribâ*, unless it is exchanged on the spot; wheat for wheat is *Ribâ*, unless it is exchanged on the spot; barley for barley is *Ribâ*, unless it is exchanged on the spot; dates for dates is *Ribâ* unless it is exchanged on the spot."

ابْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ مَالِكِ بْنِ أَوْسِ بْنِ الْحَدَثَانِ أَنَّهُ قَالَ: أَقْبَلْتُ أَقُولُ: مَنْ يَصْطَرِفُ الدَّرَاهِمَ؟ فَقَالَ طَلْحَةُ بْنُ عُبَيْدِ اللهِ وَهُوَ عِنْدَ عُمَرَ بْنِ الْخَطَّابِ -: أَرِنَا ذَهَبَكَ، ثُمَّ ائْتِنَا، إِذَا جَاءَ خَادِمُنَا، نُعْطِيكَ وَرِقَكَ، فَقَالَ عُمَرُ ابْنُ الْخَطَّابِ: كَلَّا، وَاللهِ! لَتُعْطِيَنَّهُ وَرِقَهُ، أَوْ لَتَرُدَّنَّ إِلَيْهِ ذَهَبَهُ، فَإِنَّ رَسُولَ اللهِ ﷺ قَالَ: «الْوَرِقُ بِالذَّهَبِ رِبًا إِلَّا هَاءَ وَهَاءَ، وَالْبُرُّ بِالْبُرِّ رِبًا إِلَّا هَاءَ وَهَاءَ، وَالشَّعِيرُ بِالشَّعِيرِ رِبًا إِلَّا هَاءَ وَهَاءَ، وَالتَّمْرُ بِالتَّمْرِ رِبًا إِلَّا هَاءَ وَهَاءَ».

**[4060] (...)** It was narrated from Az-Zuhrî (a *Ḥadîth* similar to no. 4059) with this chain.

[٤٠٦٠] (...) **وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ وَإِسْحَقُ، عَنِ ابْنِ عُيَيْنَةَ، عَنِ الزُّهْرِيِّ، بِهٰذَا الإِسْنَادِ.

**[4061] 80 - (1587)** It was narrated that Abû Qilâbah said: "I was in Ash-Shâm in a gathering where Muslim bin Yasâr was present, when Abû Al-Ash'ath came." He said: "They said: 'Abû Al-Ash'ath.' And I said: 'Abû Al-Ash'ath!' He sat down and I said to him: 'Tell our brothers the *Ḥadîth* of 'Ubâdah bin Aṣ-Ṣâmit.' He said: 'Yes. We went out on a campaign when Mu'âwiyah was in charge of the

[٤٠٦١] ٨٠-(١٥٨٧) **حَدَّثَنَا** عُبَيْدُ اللهِ ابْنُ عُمَرَ الْقَوَارِيرِيُّ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ قَالَ: كُنْتُ بِالشَّامِ فِي حَلْقَةٍ فِيهَا مُسْلِمُ بْنُ يَسَارٍ، فَجَاءَ أَبُو الْأَشْعَثِ قَالَ: قَالُوا: أَبُو الْأَشْعَثِ، فَقُلْتُ أَبُو الْأَشْعَثِ! فَجَلَسَ فَقُلْتُ لَهُ: حَدِّثْ أَخَانَا حَدِيثَ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: نَعَمْ، غَزَوْنَا غَزَاةً وَعَلَى

people, and acquired a great deal of the spoils of war. Among the spoils we seized were some vessels of silver. Mu'âwiyah ordered a man to sell them, to be paid for when the people received their stipends, and the people hastened to buy them. News of that reached 'Ubâdah bin Aṣ-Ṣâmit and he stood up and said: I heard the Messenger of Allâh ﷺ forbidding the sale of gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, except equal for equal, same for same. Whoever adds something more, or asks for something more, he has engaged in *Ribâ*.'"

"So the people returned what they had taken. News of that reached Mu'âwiyah and he stood up and delivered a speech, saying: 'What is the matter with men who narrated *Aḥadîth* from the Messenger of Allâh ﷺ, when we were present with him and accompanied him, and we did not hear that from him?'

"'Ubâdah bin Aṣ-Ṣâmit stood up and repeated the story, then he said: 'We will narrate what we heard from the Messenger of Allâh ﷺ, even if Mu'âwiyah does not like it' - or he said, 'in spite of him. I do not care if I do not join his troops on a dark night.'" Ḥammâd (one of the narrators) said: "This, or something like this."

النَّاسِ مُعَاوِيَةُ، فَغَنِمْنَا غَنَائِمَ كَثِيرَةً، فَكَانَ فِيمَا غَنِمْنَا، آنِيَةٌ مِنْ فِضَّةٍ، فَأَمَرَ مُعَاوِيَةُ رَجُلًا أَنْ يَبِيعَهَا فِي أَعْطِيَاتِ النَّاسِ، فَتَسَارَعَ النَّاسُ فِي ذٰلِكَ، فَبَلَغَ عُبَادَةَ بْنَ الصَّامِتِ فَقَامَ فَقَالَ: إِنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَنْهَىٰ عَنْ بَيْعِ الذَّهَبِ بِالذَّهَبِ، وَالْفِضَّةِ بِالْفِضَّةِ، وَالْبُرِّ بِالْبُرِّ، وَالشَّعِيرِ بِالشَّعِيرِ، وَالتَّمْرِ بِالتَّمْرِ، وَالْمِلْحِ بِالْمِلْحِ إِلَّا سَوَاءً بِسَوَاءٍ، عَيْنًا بِعَيْنٍ، فَمَنْ زَادَ أَوِ ازْدَادَ فَقَدْ أَرْبَىٰ. فَرَدَّ النَّاسُ مَا أَخَذُوا، فَبَلَغَ ذَلِكَ مُعَاوِيَةَ فَقَامَ خَطِيبًا فَقَالَ: أَلَا مَا بَالُ رِجَالٍ يَتَحَدَّثُونَ عَنْ رَسُولِ اللهِ ﷺ أَحَادِيثَ، قَدْ كُنَّا نَشْهَدُهُ وَنَصْحَبُهُ فَلَمْ نَسْمَعْهَا مِنْهُ. فَقَامَ عُبَادَةُ [ابْنُ الصَّامِتِ] فَأَعَادَ الْقِصَّةَ، فَقَالَ: لَنُحَدِّثَنَّ بِمَا سَمِعْنَا مِنْ رَسُولِ اللهِ ﷺ وَإِنْ كَرِهَ مُعَاوِيَةُ - أَوْ قَالَ: وَإِنْ رَغِمَ - مَا أُبَالِي أَنْ لَا أَصْحَبَهُ فِي جُنْدِهِ لَيْلَةً سَوْدَاءَ.

قَالَ حَمَّادٌ: هٰذَا أَوْ نَحْوَهُ.

**[4062] (...)** A similar report (as no. 4061) was narrated from Ayyûb with this chain.

[٤٠٦٢] (...) وَحَدَّثَنَا إِسْحٰقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، جَمِيعًا عَنْ عَبْدِ الْوَهَّابِ الثَّقَفِيِّ، عَنْ أَيُّوبَ بِهٰذَا الْإِسْنَادِ، نَحْوَهُ.

**[4063] 81 - (...)** It was narrated that 'Ubâdah bin Aṣ-Ṣâmit said: "The Messenger of Allâh ﷺ said: "Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, same for same, hand to hand. But if these commodities differ, then sell as you like, as long as it is hand to hand."

[٤٠٦٣] ٨١-(...) حَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَإِسْحٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِابْنِ أَبِي شَيْبَةَ، قَالَ إِسْحٰقُ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - وَكِيعٌ: حَدَّثَنَا سُفْيَانُ عَنْ خَالِدٍ الْحَذَّاءِ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْأَشْعَثِ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الذَّهَبُ بِالذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالْبُرُّ بِالْبُرِّ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالتَّمْرُ بِالتَّمْرِ، وَالْمِلْحُ بِالْمِلْحِ، مِثْلًا بِمِثْلٍ، سَوَاءً بِسَوَاءٍ، يَدًا بِيَدٍ، فَإِذَا اخْتَلَفَتْ هٰذِهِ الْأَصْنَافُ، فَبِيعُوا كَيْفَ شِئْتُمْ، إِذَا كَانَ يَدًا بِيَدٍ».

**[4064] 82 - (1584)** It was narrated that Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ said: 'Gold for gold, silver for silver, wheat for wheat, barley for barley, dates for dates, salt for salt, like for like, hand to hand. Whoever gives more or asks for more, he has engaged in *Ribâ*, and the taker and the giver are the same.'"

[٤٠٦٤] ٨٢-(١٥٨٤) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ مُسْلِمٍ الْعَبْدِيُّ: حَدَّثَنَا أَبُو الْمُتَوَكِّلِ النَّاجِيُّ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الذَّهَبُ بِالذَّهَبِ، وَالْفِضَّةُ بِالْفِضَّةِ، وَالْبُرُّ بِالْبُرِّ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالتَّمْرُ بِالتَّمْرِ، وَالْمِلْحُ

بِالْمِلْحِ ، مِثْلًا بِمِثْلٍ، يَدًا بِيَدٍ، فَمَنْ زَادَ أَوِ اسْتَزَادَ فَقَدْ أَرْبَىٰ، الْآخِذُ وَالْمُعْطِي فِيهِ سَوَاءٌ». [راجع: ٤٠٥٤]

**[4065] (...)** It was narrated that Abû Sa'eed Al-Khudrî said: "The Messenger of Allâh ﷺ said: 'Gold for gold, like for like...'" a similar *Hadîth* (as no. 4064).

[٤٠٦٥] (...) **حَدَّثَنَا** عَمْرٌو النَّاقِدُ: حَدَّثَنَا يَزِيدُ بْنُ هَٰرُونَ: أَخْبَرَنَا سُلَيْمَانُ الرَّبَعِيُّ: حَدَّثَنَا أَبُو الْمُتَوَكِّلِ النَّاجِيُّ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الذَّهَبُ بِالذَّهَبِ مِثْلًا بِمِثْلٍ» فَذَكَرَ بِمِثْلِهِ.

**[4066] 83 - (1588)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Dates for dates, wheat for wheat, barley for barley, salt for salt, like for like, hand to hand. Whoever gives more or asks for more, he has engaged in *Ribâ*, except in cases where the types differ.'"

[٤٠٦٦] ٨٣-(١٥٨٨) **حَدَّثَنَا** أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ وَوَاصِلُ ابْنُ عَبْدِ الْأَعْلَىٰ قَالَا: حَدَّثَنَا ابْنُ فُضَيْلٍ عَنْ أَبِيهِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «التَّمْرُ بِالتَّمْرِ، وَالْحِنْطَةُ بِالْحِنْطَةِ، وَالشَّعِيرُ بِالشَّعِيرِ، وَالْمِلْحُ بِالْمِلْحِ ، مِثْلًا بِمِثْلٍ، يَدًا بِيَدٍ، فَمَنْ زَادَ أَوِ اسْتَزَادَ فَقَدْ أَرْبَىٰ، إِلَّا مَا اخْتَلَفَتْ أَلْوَانُهُ.

**[4067] (...)** It was narrated from Fudail bin Ghazwân with this chain (a *Hadîth* similar to no. 4066), but he did not say, "hand to hand."

[٤٠٦٧] (...) **حَدَّثَنِيهِ** أَبُو سَعِيدٍ الْأَشَجُّ: حَدَّثَنَا الْمُحَارِبِيُّ عَنْ فُضَيْلِ ابْنِ غَزْوَانَ بِهَٰذَا الْإِسْنَادِ، وَلَمْ يَذْكُرْ: «يَدًا بِيَدٍ».

**[4068] 84 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said:

[٤٠٦٨] ٨٤-(...) **حَدَّثَنَا** أَبُو كُرَيْبٍ وَوَاصِلُ بْنُ عَبْدِ الْأَعْلَىٰ قَالَا:

'Gold for gold, weight for weight, like for like. And silver for silver, weight for weight, like for like. Whoever adds more or asks for more, that is *Ribâ*.'"

حَدَّثَنَا ابْنُ فُضَيْلٍ عَنْ أَبِيهِ، عَنِ ابْنِ أَبِي نُعْمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الذَّهَبُ بِالذَّهَبِ، وَزْنًا بِوَزْنٍ، مِثْلًا بِمِثْلٍ، وَالْفِضَّةُ بِالْفِضَّةِ وَزْنًا بِوَزْنٍ، مِثْلًا بِمِثْلٍ، فَمَنْ زَادَ أَوِ اسْتَزَادَ فَهُوَ رِبًا».

**[4069] 85 - (...)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Dînâr for Dînâr with no difference between them; and Dirham for Dirham with no difference between them."

**[٤٠٦٩] ٨٥-(. . .) حَدَّثَنَا** عَبْدُ اللهِ ابْنُ مَسْلَمَةَ الْقَعْنَبِيُّ: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ عَنْ مُوسَى بْنِ أَبِي تَمِيمٍ، عَنْ سَعِيدِ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «الدِّينَارُ بِالدِّينَارِ لَا فَضْلَ بَيْنَهُمَا، وَالدِّرْهَمُ بِالدِّرْهَمِ لَا فَضْلَ بَيْنَهُمَا».

**[4070] (...)** Mûsâ bin Abî Tamîm narrated a similar report (as *Hadîth* no. 4069) with this chain.

**[٤٠٧٠] (. . .) حَدَّثَنِيهِ** أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ قَالَ: سَمِعْتُ مَالِكَ بْنَ أَنَسٍ يَقُولُ: حَدَّثَنِي مُوسَى بْنُ أَبِي تَمِيمٍ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ.

## Chapter 16. The Prohibition Of Selling Silver For Gold To Be Paid At A Later Date

## (المعجم ١٦) - (بَابُ النهي عن بيع الورق بالذهب دينا) (التحفة ٣٧)

**[4071] 86 - (1589)** It was narrated that Abû Al-Minhâl said: Sharîk sold some silver for me, to be paid for during the *Hajj* season. He came to me and told me, and I said: "This is not good." He said: "I sold it in the market and no one objected." I went to Al-Barâ' bin 'Âzib and

**[٤٠٧١] ٨٦-(١٥٨٩) حَدَّثَنَا** مُحَمَّدُ ابْنُ حَاتِمِ بْنِ مَيْمُونٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرٍو، عَنْ أَبِي الْمِنْهَالِ قَالَ: بَاعَ شَرِيكٌ لِي وَرِقًا بِنَسِيئَةٍ إِلَى الْمَوْسِمِ، أَوْ إِلَى الْحَجِّ، فَجَاءَ إِلَيَّ فَأَخْبَرَنِي، فَقُلْتُ: هٰذَا أَمْرٌ لَا يَصْلُحُ. قَالَ: قَدْ بِعْتُهُ

asked him, and he said: "When the Prophet ﷺ came to Al-Madînah, we used to sell in this fashion, and he said: 'Whatever is hand to hand, there is nothing wrong with it. But whatever is to be paid for later is *Ribâ*.'" Go to Zaid bin Arqam for he is more involved in trade than I am. So I went to him and asked him, and he said something similar.

فِي السُّوقِ، فَلَمْ يُنْكِرْ ذَلِكَ عَلَيَّ أَحَدٌ، فَأَتَيْتُ الْبَرَاءَ بْنَ عَازِبٍ فَسَأَلْتُهُ، فَقَالَ: قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ وَنَحْنُ نَبِيعُ هٰذَا الْبَيْعَ، فَقَالَ: «مَا كَانَ يَدًا بِيَدٍ، فَلَا بَأْسَ بِهِ، وَمَا كَانَ نَسِيئَةً فَهُوَ رِبًا» وَائْتِ زَيْدَ ابْنَ أَرْقَمَ فَإِنَّهُ أَعْظَمُ تِجَارَةً مِنِّي، فَأَتَيْتُهُ، فَسَأَلْتُهُ، فَقَالَ مِثْلَ ذَلِكَ.

**[4072] 87 - (...)** It was narrated from Ḥabîb that he head Abû Al-Minhâl say: "I asked Al-Barâ' bin 'Âzib about exchanging (gold for silver or vice versa) and he said: 'Ask Zaid bin Arqam, for he is more knowledgeable.' I asked Zaid and he said: 'Ask Al-Barâ', for he is more knowledgeable.' Then they said: 'The Messenger of Allâh ﷺ forbade selling silver for gold to be paid at a later date.'"

**[٤٠٧٢] ٨٧-(...) حَدَّثَنَا** عُبَيْدُ اللهِ بْنُ مُعَاذٍ الْعَنْبَرِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ حَبِيبٍ [أَنَّهُ] سَمِعَ أَبَا الْمِنْهَالِ يَقُولُ: سَأَلْتُ الْبَرَاءَ بْنَ عَازِبٍ عَنِ الصَّرْفِ؟ فَقَالَ: سَلْ زَيْدَ ابْنَ أَرْقَمَ فَهُوَ أَعْلَمُ، فَسَأَلْتُ زَيْدًا فَقَالَ: سَلِ الْبَرَاءَ فَإِنَّهُ أَعْلَمُ، ثُمَّ قَالَا: نَهَىٰ رَسُولُ اللهِ ﷺ عَنْ بَيْعِ الْوَرِقِ بِالذَّهَبِ دَيْنًا.

**[4073] 88 - (1590)** 'Abdur-Raḥmân bin Abî Bakrah narrated that his father said: "The Messenger of Allâh ﷺ forbade selling silver for silver and gold for gold, except like for like; and he told us to buy silver for gold however we wished, and to buy gold for silver however we wished." He said: "A man asked him: 'Hand to hand?' He said: 'That is what I heard.'"

**[٤٠٧٣] ٨٨-(١٥٩٠) حَدَّثَنَا** أَبُو الرَّبِيعِ الْعَتَكِيُّ: حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ: أَخْبَرَنَا يَحْيَى بْنُ أَبِي إِسْحَٰقَ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ أَبِي بَكْرَةَ عَنْ أَبِيهِ قَالَ: نَهَىٰ رَسُولُ اللهِ ﷺ عَنِ الْفِضَّةِ بِالْفِضَّةِ، وَالذَّهَبِ بِالذَّهَبِ، إِلَّا سَوَاءً بِسَوَاءٍ، وَأَمَرَنَا أَنْ نَشْتَرِيَ الْفِضَّةَ بِالذَّهَبِ كَيْفَ شِئْنَا، وَنَشْتَرِيَ الذَّهَبَ بِالْفِضَّةِ كَيْفَ

شِئْنَا، قَالَ: فَسَأَلَهُ رَجُلٌ فَقَالَ: يَدًا بِيَدٍ؟ فَقَالَ: هٰكَذَا سَمِعْتُ.

[٤٠٧٤] (...) حَدَّثَنِي إِسْحٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا يَحْيَى بْنُ صَالِحٍ: حَدَّثَنَا مُعَاوِيَةُ عَنْ يَحْيَىٰ - وَهُوَ ابْنُ أَبِي كَثِيرٍ - عَنْ يَحْيَى بْنِ أَبِي إِسْحٰقَ؛ أَنَّ عَبْدَ الرَّحْمٰنِ بْنَ أَبِي بَكْرَةَ أَخْبَرَهُ؛ أَنَّ أَبَا بَكْرَةَ قَالَ: نَهَانَا رَسُولُ اللهِ ﷺ، بِمِثْلِهِ.

**[4074] (...)** Abû Bakrah said: "The Messenger of Allâh ﷺ forbade us..." a similar report (as no. 4073).

## (المعجم ١٧) - (بَابُ بيع القلادة فيها خرز وذهب) (التحفة ٣٨)

## Chapter 17. Selling A Necklace In Which There Are Pearls And Gold

[٤٠٧٥] **٨٩-(١٥٩١)** حَدَّثَنِي أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرِو بْنِ سَرْحٍ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي أَبُو هَانِئٍ الْخَوْلَانِيُّ أَنَّهُ سَمِعَ عُلَيَّ بْنَ رَبَاحٍ اللَّخْمِيَّ يَقُولُ: سَمِعْتُ فَضَالَةَ بْنَ عُبَيْدٍ الْأَنْصَارِيَّ يَقُولُ: أُتِيَ رَسُولُ اللهِ ﷺ، وَهُوَ بِخَيْبَرَ، بِقِلَادَةٍ فِيهَا خَرَزٌ وَذَهَبٌ وَهِيَ مِنَ الْمَغَانِمِ تُبَاعُ، فَأَمَرَ رَسُولُ اللهِ ﷺ بِالذَّهَبِ الَّذِي فِي الْقِلَادَةِ فَنُزِعَ وَحْدَهُ، ثُمَّ قَالَ لَهُمْ رَسُولُ اللهِ ﷺ: «الذَّهَبُ بِالذَّهَبِ وَزْنًا بِوَزْنٍ».

**[4075] 89 - (1591)** Faḍâlah bin 'Ubaid Al-Anṣârî said: "When the Messenger of Allâh ﷺ was in Khaibar, a necklace containing pearls and gold was brought to him. It was part of the spoils of war to be sold. The Messenger of Allâh ﷺ ordered that the gold in the necklace be extracted. Then the Messenger of Allâh ﷺ said to them: "Gold for gold, weight for weight."

[٤٠٧٦] **٩٠-(...)** حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ أَبِي شُجَاعٍ سَعِيدِ ابْنِ يَزِيدَ، عَنْ خَالِدِ بْنِ أَبِي عِمْرَانَ، عَنْ

**[4076] 90 - (...)** It was narrated that Faḍâlah bin 'Ubaid said: "On the Day of Khaibar, I bought a necklace for twelve Dînâr, which

contained gold and pearls. I separated them and I found more than twelve Dînâr in it. I mentioned that to the Prophet ﷺ and he said: 'It should not be sold until they are separated.'"

حَنَشٍ الصَّنْعَانِيِّ، عَنْ فَضَالَةَ بْنِ عُبَيْدٍ قَالَ: اشْتَرَيْتُ، يَوْمَ خَيْبَرَ، قِلَادَةً بِاثْنَيْ عَشَرَ دِينَارًا، فِيهَا ذَهَبٌ وَخَرَزٌ، فَفَصَّلْتُهَا، فَوَجَدْتُ فِيهَا أَكْثَرَ مِنِ اثْنَيْ عَشَرَ دِينَارًا، فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ ﷺ فَقَالَ: «لَا تُبَاعُ حَتَّىٰ تُفْصَلَ».

**[4077] (...)** A similar report (as no. 4076) was narrated from Sa'eed bin Yazîd, with this chain.

[٤٠٧٧] (...) **حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا ابْنُ الْمُبَارَكِ، عَنْ سَعِيدِ بْنِ يَزِيدَ بِهَٰذَا الْإِسْنَادِ، نَحْوَهُ.

**[4078] 91 - (...)** Faḍâlah bin 'Ubaid said: "We were with the Messenger of Allâh ﷺ on the Day of Khaibar, trading with the Jews, an *Uqiyah* of gold for two or three Dînâr. The Messenger of Allâh ﷺ said: 'Do not sell gold for gold, unless it is weight for weight.'"

[٤٠٧٨] **٩١**-(...) **حَدَّثَنَا** قُتَيْبَةُ [بْنُ سَعِيدٍ]: حَدَّثَنَا لَيْثٌ عَنِ ابْنِ أَبِي جَعْفَرٍ، عَنِ الْجُلَاحِ أَبِي كَثِيرٍ: حَدَّثَنِي حَنَشٌ الصَّنْعَانِيُّ عَنْ فَضَالَةَ ابْنِ عُبَيْدٍ قَالَ: كُنَّا مَعَ رَسُولِ اللهِ ﷺ يَوْمَ خَيْبَرَ، نُبَايِعُ الْيَهُودَ، الْأُوقِيَّةَ الذَّهَبَ بِالدِّينَارَيْنِ وَالثَّلَاثَةِ، فَقَالَ رَسُولُ اللهِ ﷺ: «لَا تَبِيعُوا الذَّهَبَ بِالذَّهَبِ، إِلَّا وَزْنًا بِوَزْنٍ».

**[4079] 92 - (...)** It was narrated from Ḥanash that he said: "We were with Faḍâlah bin 'Ubaid on a campaign, and there fell to my lot and that of my companions a necklace that contained gold, pearls and jewels. I wanted to buy it, so I asked Faḍâlah bin 'Ubaid and he said: 'Extract its gold and put it in one pan, and

[٤٠٧٩] **٩٢**-(...) **حَدَّثَنِي** أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ قُرَّةَ ابْنِ عَبْدِ الرَّحْمَٰنِ الْمَعَافِرِيِّ وَعَمْرِو بْنِ الْحَارِثِ وَغَيْرِهِمَا؛ أَنَّ عَامِرَ بْنَ يَحْيَى الْمَعَافِرِيَّ أَخْبَرَهُمْ عَنْ حَنَشٍ أَنَّهُ قَالَ: كُنَّا مَعَ فَضَالَةَ بْنِ عُبَيْدٍ فِي غَزْوَةٍ: فَطَارَتْ

put your gold in the other pan, and do not take it unless (you give) like for like, for I heard the Messenger of Allâh ﷺ say: "Whoever believes in Allâh and the Last Day, let him not take (anything) except like for like."

لِي وَلأَصْحَابِي قِلَادَةٌ فِيهَا ذَهَبٌ وَوَرِقٌ وَجَوْهَرٌ، فَأَرَدْتُ أَنْ أَشْتَرِيَهَا، فَسَأَلْتُ فَضَالَةَ بْنَ عُبَيْدٍ فَقَالَ: انْزِعْ ذَهَبَهَا فَاجْعَلْهُ فِي كِفَّةٍ، وَاجْعَلْ ذَهَبَكَ فِي كِفَّةٍ، ثُمَّ لَا تَأْخُذَنَّ إِلَّا مِثْلًا بِمِثْلٍ، فَإِنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ كَانَ يُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ فَلَا يَأْخُذَنَّ إِلَّا مِثْلًا بِمِثْلٍ».

## Chapter 18. Selling Food Like For Like

## (المعجم ١٨) - (بَابُ بيع الطعام مثلًا بمثل) (التحفة ٣٩)

**[4080] 93 - (1592)** It was narrated from Ma'mar bin 'Abdullâh that he sent his slave with a *Sâ'* of wheat and he said: "Sell it then buy barley." The slave went and took a *Sâ'* and part of a *Sâ'* more. When he came to Ma'mar he told him about that, and Ma'mar said to him: "Why did you do that? Go and give it back, and do not take anything but like for like, for I used to hear the Messenger of Allâh ﷺ say: 'Food for food, like for like.' And our food at that time was barley. It was said to him: 'It is not like it.' He said: 'I am afraid that it may be similar.'"

[٤٠٨٠] **٩٣**-(١٥٩٢) حَدَّثَنَا هَارُونُ ابْنُ مَعْرُوفٍ: حَدَّثَنَا عَبْدُ اللهِ ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرٌو؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ عَمْرِو بْنِ الْحَارِثِ؛ أَنَّ أَبَا النَّضْرِ حَدَّثَهُ؛ أَنَّ بُسْرَ بْنَ سَعِيدٍ حَدَّثَهُ، عَنْ مَعْمَرِ بْنِ عَبْدِ اللهِ أَنَّهُ أَرْسَلَ غُلَامَهُ بِصَاعِ قَمْحٍ، فَقَالَ: بِعْهُ ثُمَّ اشْتَرِ بِهِ شَعِيرًا، فَذَهَبَ الْغُلَامُ فَأَخَذَ صَاعًا وَزِيَادَةَ بَعْضِ صَاعٍ، فَلَمَّا جَاءَ مَعْمَرًا أَخْبَرَهُ بِذَلِكَ، فَقَالَ لَهُ مَعْمَرٌ: لِمَ فَعَلْتَ ذَلِكَ؟ انْطَلِقْ فَرُدَّهُ، وَلَا تَأْخُذَنَّ إِلَّا مِثْلًا بِمِثْلٍ، فَإِنِّي كُنْتُ أَسْمَعُ رَسُولَ اللهِ ﷺ يَقُولُ: «الطَّعَامُ بِالطَّعَامِ مِثْلًا بِمِثْلٍ» [قَالَ]: وَكَانَ طَعَامُنَا يَوْمَئِذٍ الشَّعِيرَ. قِيلَ

[لَهُ]: فَإِنَّهُ لَيْسَ بِمِثْلِهِ، قَالَ: فَإِنِّي أَخَافُ أَنْ يُضَارِعَ.

**[4081] 94 - (...)** Abû Hurairah and Abû Sa'eed Al-Khudrî narrated that the Messenger of Allâh ﷺ sent the brother of Banû 'Adiyy Al-Anṣârî to collect revenue from Khaibar, and he brought fine-quality (*Janîb*) dates. The Messenger of Allâh ﷺ said to him: "Are all the dates of Khaibar like this?" He said: "No, by Allâh, O Messenger of Allâh. We bought one *Ṣâ'* for two *Ṣâ'* out of the total." The Messenger of Allâh ﷺ said: "Do not do that. Rather (buy) like for like, or sell this and buy some of that with its price. And the same goes for weights."

**[٤٠٨١] ٩٤-(١٥٩٣)** حَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ، عَنْ عَبْدِ الْمَجِيدِ بْنِ سُهَيْلِ بْنِ عَبْدِ الرَّحْمٰنِ؛ أَنَّهُ سَمِعَ سَعِيدَ ابْنَ الْمُسَيَّبِ يُحَدِّثُ؛ أَنَّ أَبَا هُرَيْرَةَ وَأَبَا سَعِيدٍ الْخُدْرِيَّ حَدَّثَاهُ؛ أَنَّ رَسُولَ اللهِ ﷺ بَعَثَ أَخَا بَنِي عَدِيٍّ الْأَنْصَارِيَّ فَاسْتَعْمَلَهُ عَلَىٰ خَيْبَرَ، فَقَدِمَ بِتَمْرٍ جَنِيبٍ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «أَكُلُّ تَمْرِ خَيْبَرَ هٰكَذَا؟» قَالَ: لَا، وَاللهِ يَا رَسُولَ اللهِ! إِنَّا لَنَشْتَرِي الصَّاعَ بِالصَّاعَيْنِ مِنَ الْجَمْعِ، فَقَالَ رَسُولُ اللهِ ﷺ: «لَا تَفْعَلُوا، وَلٰكِنْ مِثْلًا بِمِثْلٍ، أَوْ بِيعُوا هٰذَا وَاشْتَرُوا بِثَمَنِهِ مِنْ هٰذَا، وَكَذٰلِكَ الْمِيزَانُ».

**[4082] 95 - (...)** It was narrated from Abû Sa'eed Al-Khudrî and Abû Hurairah that the Messenger of Allâh ﷺ appointed a man over Khaibar, and he brought some fine-quality dates. The Messenger of Allâh ﷺ said to him: "Are all the dates of Khaibar like this?" He said: No, by Allâh, O Messenger of Allâh. We take one *Ṣâ'* of these in return for two *Ṣâ'*, and two *Ṣâ'* for three *Ṣâ'*. The Messenger of Allâh ﷺ said: "Do not do that. Sell them

**[٤٠٨٢] ٩٥-(...)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ عَبْدِ الْمَجِيدِ بْنِ سُهَيْلِ بْنِ عَبْدِ الرَّحْمٰنِ بْنِ عَوْفٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ وَعَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ اسْتَعْمَلَ رَجُلًا عَلَىٰ خَيْبَرَ، فَجَاءَهُ بِتَمْرٍ جَنِيبٍ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «أَكُلُّ تَمْرِ خَيْبَرَ هٰكَذَا؟» فَقَالَ:

all for Dirham, then buy the fine-quality (*Janîb*) with the Dirham."

لَا، وَاللهِ! يَا رَسُولَ اللهِ! إِنَّا لَنَأْخُذُ الصَّاعَ مِنْ هٰذَا بِالصَّاعَيْنِ، وَالصَّاعَيْنِ بِالثَّلَاثِ، فَقَالَ رَسُولُ اللهِ ﷺ: «فَلَا تَفْعَلْ بِعِ الْجَمْعَ بِالدَّرَاهِمِ، ثُمَّ ابْتَعْ بِالدَّرَاهِمِ جَنِيبًا».

**[4083] 96 - (1594)** Abû Sa'eed said: Bilâl brought some good quality (*Barnî*) dates and the Messenger of Allâh ﷺ said to him: "Where are these from?" Bilâl said: "We had some poor-quality dates, so I sold two *Ṣâ'* of them for one *Ṣâ'*, as food for the Prophet ﷺ." At that, the Messenger of Allâh ﷺ said: "O! The essence of *Ribâ*! Do not do that. If you want to buy dates, then sell them in a separate transaction, then buy them."

**[٤٠٨٣] ٩٦-(١٥٩٤) حَدَّثَنَا** إِسْحٰقُ ابْنُ مَنْصُورٍ: حَدَّثَنَا يَحْيَى بْنُ صَالِحٍ الْوُحَاظِيُّ: حَدَّثَنَا مُعَاوِيَةُ وَهُوَ ابْنُ سَلَّامٍ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ سَهْلٍ التَّمِيمِيُّ وَعَبْدُ اللهِ بْنُ عَبْدِ الرَّحْمٰنِ الدَّارِمِيُّ - وَاللَّفْظُ لَهُمَا - جَمِيعًا عَنْ يَحْيَى بْنِ حَسَّانَ: حَدَّثَنَا مُعَاوِيَةُ وَهُوَ ابْنُ سَلَّامٍ: أَخْبَرَنِي يَحْيَىٰ وَهُوَ ابْنُ أَبِي كَثِيرٍ قَالَ: سَمِعْتُ عُقْبَةَ بْنَ عَبْدِ الْغَافِرِ يَقُولُ: سَمِعْتُ أَبَا سَعِيدٍ يَقُولُ: جَاءَ بِلَالٌ بِتَمْرٍ بَرْنِيٍّ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «مِنْ أَيْنَ هٰذَا؟» فَقَالَ بِلَالٌ: تَمْرٌ، كَانَ عِنْدَنَا، رَدِيٌّ. فَبِعْتُ مِنْهُ صَاعَيْنِ بِصَاعٍ، لِمَطْعَمِ النَّبِيِّ ﷺ، فَقَالَ رَسُولُ اللهِ، عِنْدَ ذَلِكَ: «أَوَّهْ! عَيْنُ الرِّبَا، لَا تَفْعَلْ، وَلٰكِنْ إِذَا أَرَدْتَ أَنْ تَشْتَرِيَ التَّمْرَ فَبِعْهُ بِبَيْعٍ آخَرَ، ثُمَّ اشْتَرِ بِهِ».

لَمْ يَذْكُرِ ابْنُ سَهْلٍ فِي حَدِيثِهِ: عِنْدَ ذَلِكَ. [انظر: ٤٠٨٦]

**[4084] 97 - (...)** It was narrated that Abû Sa'eed Al-Khudrî said: "Some dates were brought to the Messenger of Allâh ﷺ and he said: 'These are not our dates.' The man said: 'O Messenger of Allâh, we sold two *Ṣâ'* of our dates for a *Ṣâ'* of these.' The Messenger of Allâh ﷺ said: 'This is *Ribâ*. Take them back, then sell our dates and buy some of these for us.'"

**[٤٠٨٤] ٩٧-(...) وحَدَّثَنَا** سَلَمَةُ ابْنُ شَبِيبٍ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ: حَدَّثَنَا مَعْقِلٌ عَنْ أَبِي قَزَعَةَ الْبَاهِلِيِّ، عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: أُتِيَ رَسُولُ اللهِ ﷺ بِتَمْرٍ، فَقَالَ: «مَا هٰذَا التَّمْرُ مِنْ تَمْرِنَا» فَقَالَ الرَّجُلُ: يَا رَسُولَ اللهِ! بِعْنَا تَمْرَنَا صَاعَيْنِ بِصَاعٍ مِنْ هٰذَا، فَقَالَ رَسُولُ اللهِ ﷺ: «هٰذَا الرِّبَا، فَرُدُّوهُ، ثُمَّ بِيعُوا تَمْرَنَا وَاشْتَرُوا لَنَا مِنْ هٰذَا».

**[4085] 98 - (1595)** It was narrated that Abû Sa'eed said: "We were given dates of mixed quality at the time of the Messenger of Allâh ﷺ, and we used to sell two *Ṣâ'* for one. News of that reached the Messenger of Allâh ﷺ and he said: 'Do not sell two *Ṣâ'* of dates for one, or two *Ṣâ'* of wheat for one, or two Dirham for one.'"

**[٤٠٨٥] ٩٨-(١٥٩٥) حَدَّثَنِي** إِسْحٰقُ بْنُ مَنْصُورٍ: حَدَّثَنَا عُبَيْدُ اللهِ ابْنُ مُوسَىٰ عَنْ شَيْبَانَ، عَنْ يَحْيَىٰ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ قَالَ: كُنَّا نُرْزَقُ تَمْرَ الْجَمْعِ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، وهُوَ الْخِلْطُ مِنَ التَّمْرِ، فَكُنَّا نَبِيعُ صَاعَيْنِ بِصَاعٍ، فَبَلَغَ ذٰلِكَ رَسُولَ اللهِ ﷺ فَقَالَ: «لَا صَاعَيْ تَمْرٍ بِصَاعٍ، وَلَا صَاعَيْ حِنْطَةٍ بِصَاعٍ، وَلَا دِرْهَمَ بِدِرْهَمَيْنِ».

**[4086] 99 -** (1594) It was narrated that Abû Nadrah said: "I asked Ibn 'Abbâs about exchanging. He said: 'Is it hand to hand?' I said: 'Yes.' He said: 'There is nothing wrong with it.' I told Abû Sa'eed: 'I asked Ibn 'Abbâs about exchanging. He

**[٤٠٨٦] ٩٩-(١٥٩٤) حَدَّثَنِي** عَمْرٌو النَّاقِدُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ سَعِيدٍ الْجُرَيْرِيِّ، عَنْ أَبِي نَضْرَةَ قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ عَنِ الصَّرْفِ؟ فَقَالَ: أَيَدًا بِيَدٍ؟ قُلْتُ: نَعَمْ، قَالَ: لَا بَأْسَ بِهِ،

said: "Is it hand to hand?" I said: "Yes. "He said: "There is nothing wrong with it."' He said: 'Did he say that? We will write to him and tell him not to give that ruling.' He said: 'By Allâh, one of the slaves of the Messenger of Allâh ﷺ brought some dates and he found them odd and said: "It seems that these are not the dates of our land." He said: "Something happened to the dates of our land" - or "our dates" - "this year, so I took this and I gave more in return." He said: "If you gave something more, you engaged in *Ribâ*. Do not do it again. If you think there is something wrong with your dates, sell them then buy whatever dates you want."

فَأَخْبَرْتُ أَبَا سَعِيدٍ، فَقُلْتُ: إِنِّي سَأَلْتُ ابْنَ عَبَّاسٍ عَنِ الصَّرْفِ؟ فَقَالَ: أَيَدًا بِيَدٍ؟ قُلْتُ: نَعَمْ، قَالَ: فَلَا بَأْسَ بِهِ، قَالَ أَوَ قَالَ ذَلِكَ؟ إِنَّا سَنَكْتُبُ إِلَيْهِ فَلَا يُفْتِيكُمُوهُ، قَالَ: فَوَاللهِ! لَقَدْ جَاءَ بَعْضُ فِتْيَانِ رَسُولِ اللهِ ﷺ بِتَمْرٍ فَأَنْكَرَهُ، فَقَالَ: «كَأَنَّ هٰذَا لَيْسَ مِنْ تَمْرِ أَرْضِنَا». قَالَ: كَانَ فِي تَمْرِ أَرْضِنَا - أَوْ فِي تَمْرِنَا - الْعَامَ، بَعْضُ الشَّيْءِ، فَأَخَذْتُ هٰذَا وَزِدْتُ بَعْضَ الزِّيَادَةِ، فَقَالَ: «أَضْعَفْتَ، أَرْبَيْتَ، لَا تَقْرَبَنَّ هٰذَا، إِذَا رَابَكَ مِنْ تَمْرِكَ شَيْءٌ فَبِعْهُ، ثُمَّ اشْتَرِ الَّذِي تُرِيدُ مِنَ التَّمْرِ».

[راجع: ٤٠٨٣]

**[4087] 100 - (...)** It was narrated that Abû Naḍrah said: "I asked Ibn 'Umar and Ibn 'Abbâs about exchange, and they did not see anything wrong with it. I was sitting with Abû Sa'eed Al-Khudrî and I asked him about exchange. He said: 'Whatever is extra is *Ribâ*,' and I did not accept it because of what they had said. He said: 'I am only narrating to you what I heard from the Messenger of Allâh ﷺ. A man who was taking care of the Prophet's date palms brought him a *Ṣâ'* of fine dates and the dates of the Prophet ﷺ were not of this type. The Prophet ﷺ said

**[٤٠٨٧] ١٠٠-(...) حَدَّثَنَا** إِسْحٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ الْأَعْلَىٰ: أَخْبَرَنَا دَاوُدُ عَنْ أَبِي نَضْرَةَ قَالَ: سَأَلْتُ ابْنَ عُمَرَ وَابْنَ عَبَّاسٍ عَنِ الصَّرْفِ فَلَمْ يَرَيَا بِهِ بَأْسًا، فَإِنِّي لَقَاعِدٌ عِنْدَ أَبِي سَعِيدٍ الْخُدْرِيِّ فَسَأَلْتُهُ عَنِ الصَّرْفِ؟ فَقَالَ: مَا زَادَ فَهُوَ رِبًا، فَأَنْكَرْتُ ذَلِكَ لِقَوْلِهِمَا، فَقَالَ: لَا أُحَدِّثُكَ إِلَّا مَا سَمِعْتُ مِنْ رَسُولِ اللهِ ﷺ، جَاءَهُ صَاحِبُ نَخْلِهِ بِصَاعٍ مِنْ تَمْرٍ طَيِّبٍ، وَكَانَ تَمْرُ النَّبِيِّ ﷺ هٰذَا اللَّوْنَ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «أَنَّىٰ لَكَ

to him: "Where did you get this?" He said: "I sold two *Ṣâ'* and bought this *Ṣâ'* with them. That is the price for this in the market." The Messenger of Allâh ﷺ said: "Woe to you, you have engaged in *Ribâ*. If you want to do that, sell your dates for another commodity and then buy whatever dates you want with it.'"

Abû Sa'eed said: 'Dates for dates is closer to *Ribâ* than silver for silver.'" He said: "I went to Ibn 'Umar after that and he told me not to do that, and I did not go to Ibn 'Abbâs." He said: "Abû Aṣ-Ṣahbâ' told me that he asked Ibn 'Abbâs about it in Makkah and he disapproved of it."

**[4088] 101 - (1596)** It was narrated that Abû Ṣâliḥ said: "I heard Abû Sa'eed Al-Khudrî say: 'Dînâr for Dînâr, Dirham for Dirham, like for like; whoever gives more or asks for more has engaged in *Ribâ*.' I said to him: 'Ibn 'Abbâs says something different.' He said: 'I met Ibn 'Abbâs and I said: "Do you think that what you say is something that you heard from the Messenger of Allâh ﷺ or found in the Book of Allâh?" He said: "I did not hear it from the Messenger of Allâh ﷺ and I did not find it in the Book of Allâh, but Usâmah bin Zaid told me that the Prophet ﷺ said: '*Ribâ* is in the case of delayed payment.'"

هٰذَا؟» قَالَ: انْطَلَقْتُ بِصَاعَيْنِ فَاشْتَرَيْتُ بِهِ هٰذَا الصَّاعَ، فَإِنَّ سِعْرَ هٰذَا فِي السُّوقِ كَذَا، وَسِعْرَ هٰذَا كَذَا، فَقَالَ رَسُولُ اللهِ ﷺ: «وَيْلَكَ أَرْبَيْتَ، إِذَا أَرَدْتَ ذَلِكَ فَبِعْ تَمْرَكَ بِسِلْعَةٍ، ثُمَّ اشْتَرِ بِسِلْعَتِكَ أَيَّ تَمْرٍ شِئْتَ».

قَالَ أَبُو سَعِيدٍ: فَالتَّمْرُ بِالتَّمْرِ أَحَقُّ أَنْ يَكُونَ رِبًا أَمِ الْفِضَّةُ بِالْفِضَّةِ؟ قَالَ: فَأَتَيْتُ ابْنَ عُمَرَ، بَعْدُ، فَنَهَانِي وَلَمْ آتِ ابْنَ عَبَّاسٍ، قَالَ: فَحَدَّثَنِي أَبُو الصَّهْبَاءِ أَنَّهُ سَأَلَ ابْنَ عَبَّاسٍ عَنْهُ بِمَكَّةَ، فَكَرِهَهُ.

**[٤٠٨٨] ١٠١-(١٥٩٦)** حَدَّثَنِي مُحَمَّدُ بْنُ عَبَّادٍ وَمُحَمَّدُ بْنُ حَاتِمٍ وَابْنُ أَبِي عُمَرَ، جَمِيعًا عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ - وَاللَّفْظُ لِابْنِ عَبَّادٍ - قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرٍو، عَنْ أَبِي صَالِحٍ قَالَ: سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: الدِّينَارُ بِالدِّينَارِ، وَالدِّرْهَمُ بِالدِّرْهَمِ، مِثْلًا بِمِثْلٍ، مَنْ زَادَ أَوِ ازْدَادَ فَقَدْ أَرْبَىٰ، فَقُلْتُ لَهُ: إِنَّ ابْنَ عَبَّاسٍ يَقُولُ غَيْرَ هٰذَا فَقَالَ: لَقَدْ لَقِيتُ ابْنَ عَبَّاسٍ، فَقُلْتُ: أَرَأَيْتَ هٰذَا الَّذِي تَقُولُ أَشَيْءٌ سَمِعْتَهُ مِنْ رَسُولِ اللهِ ﷺ أَوْ وَجَدْتَهُ فِي كِتَابِ اللهِ عَزَّ وَجَلَّ؟ فَقَالَ: لَمْ أَسْمَعْهُ مِنْ رَسُولِ

اللهِ ﷺ، وَلَمْ أَجِدْهُ فِي كِتَابِ اللهِ، وَلٰكِنْ حَدَّثَنِي أُسَامَةُ بْنُ زَيْدٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «الرِّبَا فِي النَّسِيئَةِ».

**[4089] 102 - (...)** It was narrated from 'Ubaidullâh bin Abî Yazîd that he heard Ibn 'Abbâs say: "Usâmah bin Zaid told me that the Prophet ﷺ said: '*Ribâ* is only in the case of delayed payment.'"

**[٤٠٨٩] ١٠٢-(...) حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَإِسْحٰقُ ابْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لِعَمْرٍو، قَالَ إِسْحٰقُ: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ: حَدَّثَنَا - سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عُبَيْدِ اللهِ بْنِ أَبِي يَزِيدَ [أَنَّهُ] سَمِعَ ابْنَ عَبَّاسٍ يَقُولُ: أَخْبَرَنِي أُسَامَةُ بْنُ زَيْدٍ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّمَا الرِّبَا فِي النَّسِيئَةِ».

**[4090] 103 - (...)** It was narrated from Ibn 'Abbâs, from Usâmah bin Zaid, that the Messenger of Allâh ﷺ said: "There is no *Ribâ* in that which is hand to hand."

**[٤٠٩٠] ١٠٣-(...) حَدَّثَنَا** زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا عَفَّانُ؛ وَحَدَّثَنِي مُحَمَّدُ ابْنُ حَاتِمٍ: حَدَّثَنَا بَهْزٌ قَالَا: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا ابْنُ طَاوُسٍ عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ، عَنْ أُسَامَةَ بْنِ زَيْدٍ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا رِبًا فِيمَا كَانَ يَدًا بِيَدٍ».

**[4091] 104 - (...)** 'Aṭâ' bin Abî Rabâḥ narrated that Abû Sa'eed Al-Khudrî met Ibn 'Abbâs and said to him: "Do you think that what you said about exchange is something that you heard from the Messenger of Allâh ﷺ, or something that you found in the Book of Allâh?" Ibn 'Abbâs said: "I do not say that it is either of

**[٤٠٩١] ١٠٤-(...) حَدَّثَنَا** الْحَكَمُ بْنُ مُوسَىٰ: حَدَّثَنِي هِقْلٌ عَنِ الْأَوْزَاعِيِّ قَالَ: حَدَّثَنِي عَطَاءُ بْنُ أَبِي رَبَاحٍ؛ أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ لَقِيَ ابْنَ عَبَّاسٍ فَقَالَ لَهُ: أَرَأَيْتَ قَوْلَكَ فِي الصَّرْفِ، [أَ]شَيْئًا سَمِعْتَهُ مِنْ رَسُولِ

them. As for the Messenger of Allâh ﷺ, you are more knowledgeable than me, and as for the Book of Allâh, I do not know it better (than you), but Usâmah bin Zaid told me that the Messenger of Allâh ﷺ said: 'Indeed, *Ribâ* is only in the case of delayed payment.'"

اللهِ ﷺ، أَمْ شيءٌ وَجَدْتَهُ فِي كِتَابِ اللهِ عَزَّ وَجَلَّ؟ قَالَ ابْنُ عَبَّاسٍ: كُلًّا لَا أَقُولُ. أَمَّا رَسُولُ اللهِ ﷺ فَأَنْتُمْ أَعْلَمُ بِهِ [مِنِّي] وَأَمَّا كِتَابُ اللهِ فَلَا أَعْلَمُهُ، وَلٰكِنْ حَدَّثَنِي أُسَامَةُ بْنُ زَيْدٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «[أَلَا] إِنَّمَا الرِّبَا فِي النَّسِيئَةِ».

## Chapter 19. Cursing The One Who Consumes *Ribâ* And The One Who Pays It

## (المعجم ١٩) - (بَابُ لعن آكل الربا ومؤكله) (التحفة ٤٠)

**[4092] 105 - (1597)** It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ cursed the one who consumes *Ribâ* and the one who pays it." I (the narrator) said: "And the one who writes it down and the two who witness it?" He said: "We only narrate what we heard."

**[٤٠٩٢] ١٠٥-(١٥٩٧)** حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ وَإِسْحٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِعُثْمَانَ، قَالَ إِسْحٰقُ: أَخْبَرَنَا، وَقَالَ عُثْمَانُ: حَدَّثَنَا - جَرِيرٌ عَنْ مُغِيرَةَ قَالَ: سَأَلَ شِبَاكٌ إِبْرَاهِيمَ، فَحَدَّثَنَا عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللهِ قَالَ: لَعَنَ رَسُولُ اللهِ ﷺ آكِلَ الرِّبَا وَمُوكِلَهُ. قَالَ: قُلْتُ-: وَكَاتِبَهُ وَشَاهِدَيْهِ؟ قَالَ: إِنَّمَا نُحَدِّثُ بِمَا سَمِعْنَا.

**[4093] 106 - (1598)** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ cursed the one who consumes *Ribâ* and the one who pays it, the one who writes it down and the two who witness it," and he said: "They are all the same."

**[٤٠٩٣] ١٠٦-(١٥٩٨)** حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ وَزُهَيْرُ بْنُ حَرْبٍ وَعُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالُوا: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: لَعَنَ رَسُولُ اللهِ ﷺ آكِلَ الرِّبَا، وَمُوكِلَهُ، وَكَاتِبَهُ، وَشَاهِدَيْهِ، وَقَالَ: هُمْ سَوَاءٌ.

## Chapter 20. Taking That Which Is Lawful And Leaving That Which Is Unclear

(المعجم ٢٠) - (بَابُ أخذ الحلال وترك الشبهات) (التحفة ٤١)

**[4094] 107 - (1599)** It was narrated that An-Nu'mân bin Bashîr said: "The Messenger of Allâh ﷺ said - and An-Nu'mân pointed with his fingers to his ears - "That which is lawful is clear and that which is unlawful is clear, and between them are matters which are unclear which many people do not understand. Whoever guards against the unclear matters, he will protect his religion and his honor, but whoever falls into that which is unclear, he will soon fall into that which is unlawful. Like a shepherd who grazes his flock around the sanctuary; he will soon graze in it. Verily, every king has his prohibited land and verily, the prohibited land of Allâh is that which He has forbidden. In the body there is a piece of flesh which, if it is healthy, the entire body will be healthy but if it is corrupt, the entire body will be corrupt. Verily it is the heart."

[٤٠٩٤] ١٠٧-(١٥٩٩) وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ الْهَمْدَانِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا زَكَرِيَّاءُ عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ قَالَ: سَمِعْتُهُ يَقُولُ سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: - وَأَهْوَى النُّعْمَانُ بِإِصْبَعَيْهِ إِلَىٰ أُذُنَيْهِ - «إِنَّ الْحَلَالَ بَيِّنٌ وَإِنَّ الْحَرَامَ بَيِّنٌ وَبَيْنَهُمَا مُشْتَبِهَاتٌ لَا يَعْلَمُهُنَّ كَثِيرٌ مِنَ النَّاسِ، فَمَنِ اتَّقَى الشُّبُهَاتِ اسْتَبْرَأَ لِدِينِهِ وَعِرْضِهِ، وَمَنْ وَقَعَ فِي الشُّبُهَاتِ وَقَعَ فِي الْحَرَامِ، كَالرَّاعِي يَرْعَىٰ حَوْلَ الْحِمَىٰ يُوشِكُ أَنْ يَرْتَعَ فِيهِ، أَلَا! وَإِنَّ لِكُلِّ مَلِكٍ حِمًى، أَلَا! وَإِنَّ حِمَى اللهِ مَحَارِمُهُ، أَلَا! وَإِنَّ فِي الْجَسَدِ مُضْغَةً، إِذَا صَلَحَتْ صَلَحَ الْجَسَدُ كُلُّهُ وَإِذَا فَسَدَتْ، فَسَدَ الْجَسَدُ كُلُّهُ، أَلَا! وَهِيَ الْقَلْبُ».

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**[4095] (...)** Zakariyyâ narrated a similar report (as no. 4094) with this chain.

[٤٠٩٥] (...) [و]حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنِي عِيسَى بْنُ يُونُسَ قَالَا: أَخْبَرَنَا زَكَرِيَّاءُ بِهٰذَا الْإِسْنَادِ، مِثْلَهُ.

**[4096]... - (...)** This *Hadîth* was

[٤٠٩٦] (...) [و]حَدَّثَنَا إِسْحَاقُ بْنُ

narrated from An-Nu'mân bin Ba<u>sh</u>îr from the Prophet ﷺ, except that the *Ḥadî<u>th</u>* of Zakariyyâ (no. 4094) is more complete and longer than their *Ḥadî<u>th</u>*.

إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ عَنْ مُطَرِّفٍ وَأَبِي فَرْوَةَ الْهَمْدَانِيِّ؛ وَحَدَّثَنَا قُتَيْبَةُ [بْنُ سَعِيدٍ]: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَٰنِ الْقَارِيَّ عَنِ ابْنِ عَجْلَانَ، عَنْ عَبْدِ الرَّحْمَٰنِ ابْنِ سَعِيدٍ، كُلُّهُمْ عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ عَنِ النَّبِيِّ ﷺ بِهَٰذَا الْحَدِيثِ، غَيْرَ أَنَّ حَدِيثَ زَكَرِيَّاءَ أَتَمُّ مِنْ حَدِيثِهِمْ، وَأَكْثَرُ.

**[4097] 108 - (...)** It was narrated from 'Âmir A<u>sh</u>-<u>Sh</u>a'bî that he heard An-Nu'mân bin Ba<u>sh</u>îr, the Companion of the Messenger of Allâh ﷺ, addressing the people in Ḥimṣ. He said: "That which is lawful is clear and that which is unlawful is clear," and he mentioned a *Ḥadî<u>th</u>* similar to that of Zakariyyâ from A<u>sh</u>-<u>Sh</u>a'bî (no. 4094), up to the words: "Soon he will fall into it."

[٤٠٩٧] **١٠٨**-(...) **حَدَّثَنَا** عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ بْنِ اللَّيْثِ بْنِ سَعْدٍ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي خَالِدُ بْنُ يَزِيدَ: حَدَّثَنِي سَعِيدُ بْنُ أَبِي هِلَالٍ عَنْ عَوْنِ ابْنِ عَبْدِ اللهِ، عَنْ عَامِرٍ الشَّعْبِيِّ؛ أَنَّهُ سَمِعَ النُّعْمَانَ بْنَ بَشِيرِ بْنِ سَعْدٍ، صَاحِبَ رَسُولِ اللهِ ﷺ وَهُوَ يَخْطُبُ النَّاسَ بِحِمْصَ، وَهُوَ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «الْحَلَالُ بَيِّنٌ وَالْحَرَامُ بَيِّنٌ». فَذَكَرَ بِمِثْلِ حَدِيثِ زَكَرِيَّاءَ عَنِ الشَّعْبِيِّ - إِلَىٰ قَوْلِهِ -: «يُوشِكُ أَنْ يَقَعَ فِيهِ».

## Chapter 21. Selling Camels And Stipulating That One May Ride Them

## (المعجم ٢١) - (بَابُ بيع البعير واستثناء ركوبه) (التحفة ٤٢)

**[4098] 109 - (715)** Jâbir bin 'Abdullâh narrated that he was riding on a camel which had grown weak, and he wanted to let

[٤٠٩٨] **١٠٩**-(٧١٥) **حَدَّثَنَا** مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا زَكَرِيَّاءُ عَنْ عَامِرٍ: حَدَّثَنِي جَابِرُ بْنُ عَبْدِ

it go. He said: "The Prophet ﷺ caught up with me and he prayed for me and struck it, then it ran as it had never run before. He said: 'Sell it to me for an *Uqiyah*.' I said: 'No.' Then he said: 'Sell it to me.' So I sold it to him for an *Uqiyah*, but I stipulated that I would ride it back to my family. When I arrived, I brought the camel to him, and he paid me its price. Then I went back, and he sent (someone) after me and said: 'Do you think that I bargained with you so that I could take your camel? Take your camel and your Dirham, for they are yours.'"

**[4099] (...)** It was narrated from 'Âmir: "Jâbir bin 'Abdullâh told me... a Ḥadîth like that of Ibn Numair (no. 4098)."

**[4100] 110 - (...)** It was narrated that Jâbir bin 'Abdullâh said: "I went on a campaign with the Messenger of Allâh ﷺ and he caught up with me while I was riding a camel of mine that had grown weak and could hardly walk. He said to me: 'What is the matter with your camel?' I said: 'It has grown weak.' The Messenger of Allâh ﷺ fell behind and prodded it, and prayed for it, and (after that) it was always in front of the other camels, running ahead of them. He said to me: 'How do you find

اللهِ؛ أَنَّهُ كَانَ يَسِيرُ عَلَىٰ جَمَلٍ لَهُ قَدْ أَعْيَا، فَأَرَادَ أَنْ يُسَيِّبَهُ، قَالَ: فَلَحِقَنِي النَّبِيُّ ﷺ، فَدَعَا لِي وَضَرَبَهُ، فَسَارَ سَيْرًا لَمْ يَسِرْ مِثْلَهُ، قَالَ: «بِعْنِيهِ بِوُقِيَّةٍ» قُلْتُ: لَا، ثُمَّ قَالَ: «بِعْنِيهِ» فَبِعْتُهُ بِوُقِيَّةٍ، وَاسْتَثْنَيْتُ عَلَيْهِ حُمْلَانَهُ إِلَىٰ أَهْلِي، فَلَمَّا بَلَغْتُ أَتَيْتُهُ بِالْجَمَلِ، فَنَقَدَنِي ثَمَنَهُ، ثُمَّ رَجَعْتُ، فَأَرْسَلَ فِي أَثَرِي، فَقَالَ: «أَتُرَانِي مَاكَسْتُكَ لِآخُذَ جَمَلَكَ؟ خُذْ جَمَلَكَ وَدَرَاهِمَكَ، فَهُوَ لَكَ». [راجع: ١٦٥٦]

**[٤٠٩٩] (...) وحَدَّثَنَاه** عَلِيُّ بْنُ خَشْرَمٍ: أَخْبَرَنَا عِيسَىٰ يَعْنِي ابْنَ يُونُسَ عَنْ زَكَرِيَّاءَ، عَنْ عَامِرٍ: حَدَّثَنِي جَابِرُ بْنُ عَبْدِ اللهِ، بِمِثْلِ حَدِيثِ ابْنِ نُمَيْرٍ.

**[٤١٠٠] ١١٠-(...) حَدَّثَنَا** عُثْمَانُ ابْنُ أَبِي شَيْبَةَ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِعُثْمَانَ - قَالَ إِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ عُثْمَانُ: حَدَّثَنَا - جَرِيرٌ عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: غَزَوْتُ مَعَ رَسُولِ اللهِ ﷺ، فَتَلَاحَقَ بِي، وَتَحْتِي نَاضِحٌ لِي قَدْ أَعْيَا وَلَا يَكَادُ يَسِيرُ، قَالَ: فَقَالَ لِي: «مَا لِبَعِيرِكَ؟» قَالَ: قُلْتُ: عَلِيلٌ، قَالَ: فَتَخَلَّفَ رَسُولُ

your camel?' I said: 'It is fine; your blessing has reached it.' He said: 'Will you sell it to me?' I felt shy, and we did not have any camel but this one, so I said: 'Yes.' So I sold it to him, on the condition that I would ride it until I reached Al-Madînah. I said to him: 'O Messenger of Allâh, I am newly married,' and I asked him for permission to go on ahead, and he gave me permission. So I went ahead of the people until I reached Al-Madînah. There my maternal uncle met me and asked about the camel, and I told him what I had done with it, and he criticized me. And the Messenger of Allâh ﷺ said to me when I asked him for permission: 'Who did you marry, a virgin or a previously-married woman?' I said: 'I married a previously-married woman.' He said: 'Why not a virgin, so you could play with her and she could play with you?' I said to him: 'O Messenger of Allâh, my father has died' - or 'was martyred' - 'and I have young sisters. I did not want to marry one who was like them, who would not teach them manners and look after them. So I married a previously-married woman who would look after them and teach them manners.' When the Messenger of Allâh ﷺ came to Al-Madînah, I took the camel to him the next morning, and he gave me its price and returned it to me."

اللهِ ﷺ فَزَجَرَهُ وَدَعَا لَهُ، فَمَا زَالَ بَيْنَ يَدَيِ الْإِبِلِ قُدَّامَهَا يَسِيرُ، [قَالَ]: فَقَالَ لِي «كَيْفَ تَرَىٰ بَعِيرَكَ؟» قَالَ: قُلْتُ: بِخَيْرٍ، قَدْ أَصَابَتْهُ بَرَكَتُكَ. قَالَ: «أَفَتَبِيعُنِيهِ؟» فَاسْتَحْيَيْتُ، وَلَمْ يَكُنْ لَنَا نَاضِحٌ غَيْرُهُ، قَالَ: فَقُلْتُ: نَعَمْ، فَبِعْتُهُ إِيَّاهُ، عَلَىٰ أَنَّ لِي فَقَارَ ظَهْرِهِ حَتَّىٰ أَبْلُغَ الْمَدِينَةَ، قَالَ: فَقُلْتُ لَهُ: يَا رَسُولَ اللهِ! إِنِّي عَرُوسٌ فَاسْتَأْذَنْتُهُ، فَأَذِنَ لِي، فَتَقَدَّمْتُ النَّاسَ إِلَىٰ الْمَدِينَةِ حَتَّىٰ انْتَهَيْتُ، فَلَقِيَنِي خَالِي فَسَأَلَنِي عَنِ الْبَعِيرِ، فَأَخْبَرْتُهُ بِمَا صَنَعْتُ فِيهِ، فَلَامَنِي فِيهِ، قَالَ: وَقَدْ كَانَ رَسُولُ اللهِ ﷺ قَالَ لِي حِينَ اسْتَأْذَنْتُهُ «مَا تَزَوَّجْتَ؟ أَبِكْرًا أَمْ ثَيِّبًا؟» فَقُلْتُ لَهُ: تَزَوَّجْتُ ثَيِّبًا، قَالَ: «أَفَلَا تَزَوَّجْتَ بِكْرًا تُلَاعِبُهَا وَتُلَاعِبُكَ؟» فَقُلْتُ لَهُ: يَا رَسُولَ اللهِ! تُوُفِّيَ وَالِدِي - أَوِ اسْتُشْهِدَ - وَلِي أَخَوَاتٌ صِغَارٌ، فَكَرِهْتُ أَنْ أَتَزَوَّجَ إِلَيْهِنَّ مِثْلَهُنَّ، فَلَا تُؤَدِّبُهُنَّ وَلَا تَقُومُ عَلَيْهِنَّ، فَتَزَوَّجْتُ ثَيِّبًا لِتَقُومَ عَلَيْهِنَّ وَتُؤَدِّبَهُنَّ - قَالَ -: فَلَمَّا قَدِمَ رَسُولُ اللهِ ﷺ الْمَدِينَةَ، غَدَوْتُ إِلَيْهِ بِالْبَعِيرِ، فَأَعْطَانِي ثَمَنَهُ، وَرَدَّهُ عَلَيَّ.

**[4101] 111 - (...)** It was narrated that Jâbir said: "We came back from Makkah to Al-Madînah with the Messenger of Allâh ﷺ, and my camel grew weak..." and he quoted a similar *Hadîth* (as no. 4100), in which it says: "Then he said to me: 'Sell this camel of yours to me.' I said: 'No, rather it is yours.' He said: 'No, sell it to me.' I said: 'No, rather it is yours, O Messenger of Allâh.' He said: 'No, sell it to me.' So I said: 'There is a man to whom I owe an *Uqiyah* of gold; it is yours in return for that.' He said: 'I will take it, but you may ride it until Al-Madînah.' When I reached Al-Madînah, the Messenger of Allâh ﷺ said to Bilâl: 'Give him an *Uqiyah* of gold, and a little more.' So he gave me an *Uqiyah* of gold, and added a *Qîrâṭ*." He said: "I said: 'The extra that the Messenger of Allâh ﷺ gave me never left me; it was in a (money) bag of mine until the people of Ash-Shâm took it on the Day of Al-Harrah.'"

**[٤١٠١] ١١١-(...)** حَدَّثَنَا عُثْمَانُ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ جَابِرٍ قَالَ: أَقْبَلْنَا مِنْ مَكَّةَ إِلَى الْمَدِينَةِ مَعَ رَسُولِ اللهِ ﷺ، فَاعْتَلَّ جَمَلِي. وَسَاقَ الْحَدِيثَ بِقِصَّتِهِ، وَفِيهِ: ثُمَّ قَالَ لِي: «بِعْنِي جَمَلَكَ هٰذَا» قَالَ: قُلْتُ: لَا، بَلْ هُوَ لَكَ، قَالَ: «لَا، بَلْ بِعْنِيهِ» قَالَ قُلْتُ: لَا، بَلْ هُوَ لَكَ، يَا رَسُولَ اللهِ! قَالَ: «لَا، بَلْ بِعْنِيهِ» قَالَ: قُلْتُ: فَإِنَّ لِرَجُلٍ عَلَيَّ أُوقِيَّةَ ذَهَبٍ، فَهُوَ لَكَ بِهَا، قَالَ: «قَدْ أَخَذْتُهُ، فَتَبَلَّغْ عَلَيْهِ إِلَى الْمَدِينَةِ» قَالَ: فَلَمَّا قَدِمْتُ الْمَدِينَةَ، قَالَ رَسُولُ اللهِ ﷺ لِبِلَالٍ: «أَعْطِهِ أُوقِيَّةً مِنْ ذَهَبٍ، وَزِدْهُ» قَالَ: فَأَعْطَانِي أُوقِيَّةً مِنْ ذَهَبٍ، وَزَادَنِي قِيرَاطًا، قَالَ فَقُلْتُ: لَا تُفَارِقُنِي زِيَادَةُ رَسُولِ اللهِ ﷺ، قَالَ: فَكَانَ فِي كِيسٍ لِي، فَأَخَذَهُ أَهْلُ الشَّامِ يَوْمَ الْحَرَّةِ.

**[4102] 112 - (...)** It was narrated that Jâbir bin 'Abdullâh said: "We were with the Prophet ﷺ on a journey, and my camel fell behind..." he quoted the same *Hadîth* (as no. 4101) and said: "The Messenger of Allâh ﷺ prodded it, then he said to me:

**[٤١٠٢] ١١٢-(...)** حَدَّثَنَا أَبُو كَامِلٍ الْجَحْدَرِيُّ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ:- حَدَّثَنَا الْجُرَيْرِيُّ عَنْ أَبِي نَضْرَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ، فَتَخَلَّفَ نَاضِحِي،

'Ride, in the Name of Allâh.'" And he also added: "He kept on giving me more and saying: 'May Allâh forgive you.'"

وَسَاقَ الْحَدِيثَ، وَقَالَ فِيهِ: فَنَخَسَهُ رَسُولُ اللهِ ﷺ، ثُمَّ قَالَ لِي: «ارْكَبْ بِاسْمِ اللهِ» وَزَادَ أَيْضًا: قَالَ: فَمَا زَالَ يَزِيدُنِي وَيَقُولُ: «وَاللهُ يَغْفِرُ لَكَ».

**[4103] 113 - (...)** It was narrated that Jâbir said: "When the Prophet ﷺ came to me while my camel had grown weak, he prodded it and it jumped. After that, I was pulling on its reins (to slow it down) so that I could listen to what he was saying, but I could not manage it. The Prophet ﷺ caught up with me and said: 'Sell it to me.' So I sold it to him for five *Uqiyah*. I said: 'On condition that I may ride it back to Al-Madînah.' He said: 'You may ride it back to Al-Madînah.' When I came to Al-Madînah, I brought it to him and he gave me an extra *Uqiyah*, then he gave it to me."

**[٤١٠٣] ١١٣-(...) وحَدَّثَني** أَبُو الرَّبِيعِ الْعَتَكِيُّ: حَدَّثَنَا حَمَّادٌ: حَدَّثَنَا أَيُّوبُ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: لَمَّا أَتَىٰ عَلَيَّ النَّبِيُّ ﷺ، وَقَدْ أَعْيَا بَعِيرِي - قَالَ -: فَنَخَسَهُ فَوَثَبَ، فَكُنْتُ بَعْدَ ذَلِكَ أَحْبِسُ خِطَامَهُ لأَسْمَعَ حَدِيثَهُ، فَمَا أَقْدِرُ عَلَيْهِ، فَلَحِقَنِي النَّبِيُّ ﷺ فَقَالَ: «بِعْنِيهِ» فَبِعْتُهُ مِنْهُ بِخَمْسِ أَوَاقٍ، قَالَ قُلْتُ: عَلَىٰ أَنَّ لِي ظَهْرَهُ إِلَى الْمَدِينَةِ، قَالَ: «وَلَكَ ظَهْرُهُ إِلَىٰ الْمَدِينَةِ» - قَالَ-: فَلَمَّا قَدِمْتُ الْمَدِينَةَ أَتَيْتُهُ بِهِ، فَزَادَنِي أُوقِيَّةً، ثُمَّ وَهَبَ لِي ﷺ.

**[4104] 114 - (...)** It was narrated that Jâbir bin 'Abdullâh said: "I traveled with the Messenger of Allâh ﷺ on one of his journeys" - I (the narrator) think he said it was a military campaign - and he narrated the *Hadîth* (as no. 4103) and added: "He said: 'O Jâbir, have you received the price in full?' I said: 'Yes.' He said: 'The price is yours and the camel is yours. The price is yours and the camel is yours.'"

**[٤١٠٤] ١١٤-(...) حَدَّثَنَا** عُقْبَةُ ابْنُ مُكْرَمٍ الْعَمِّيُّ: حَدَّثَنَا يَعْقُوبُ بْنُ إِسْحَٰقَ: حَدَّثَنَا بَشِيرُ بْنُ عُقْبَةَ عَنْ أَبِي الْمُتَوَكِّلِ النَّاجِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ قَالَ: سَافَرْتُ مَعَ رَسُولِ اللهِ ﷺ فِي بَعْضِ أَسْفَارِهِ - أَظُنُّهُ قَالَ غَازِيًا - واقْتَصَّ الْحَدِيثَ وَزَادَ فِيهِ: قَالَ: «يَا جَابِرُ! أَتَوَفَّيْتَ الثَّمَنَ؟» قُلْتُ: نَعَمْ،

قَالَ: «لَكَ الثَّمَنُ وَلَكَ الْجَمَلُ. لَكَ الثَّمَنُ وَلَكَ الْجَمَلُ».

[٤١٠٥] ١١٥-(...) حَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُعَاذٍ الْعَنْبَرِيُّ: حَدَّثَنَا أَبِي حَدَّثَنا شُعْبَةُ عَنْ مُحَارِبٍ؛ [أَنَّهُ] سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: اشْتَرَىٰ مِنِّي رَسُولُ اللهِ ﷺ بَعِيرًا بِوُقِيَّتَيْنِ ودِرْهَمٍ أَوْ دِرْهَمَيْنِ، قَالَ: فَلَمَّا قَدِمَ صِرَارًا أَمَرَ بِبَقَرَةٍ فَذُبِحَتْ، فَأَكَلُوا مِنْهَا، فَلَمَّا قَدِمَ الْمَدِينَةَ أَمَرَنِي أَنْ آتِيَ الْمَسْجِدَ فَأُصَلِّيَ رَكْعَتَيْنِ، وَوَزَنَ لِي ثَمَنَ الْبَعِيرِ فَأَرْجَحَ لِي.

**[4105] 115 - (...)** Jâbir bin Abdullâh said: "The Messenger of Allâh ﷺ bought a camel from me for two *Uqiyah* and a Dirham or two Dirham. When we came to Ṣirâr, he ordered that a cow be slaughtered and they ate from it. When he came to Al-Madînah he told me to go to the *Masjid* and pray two *Rak'ah*, and he weighed out for me the price of the camel and gave me more."

[٤١٠٦] ١١٦-(...) حَدَّثَنِي يَحْيَى بْنُ حَبِيبٍ الْحَارِثِيُّ: حَدَّثَنَا خَالِدُ ابْنُ الْحَارِثِ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنِي مُحَارِبٌ عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ بِهَٰذِهِ الْقِصَّةِ غَيْرَ أَنَّهُ قَالَ: فَاشْتَرَاهُ مِنِّي بِثَمَنٍ قَدْ سَمَّاهُ، وَلَمْ يَذْكُرِ الْوُقِيَّتَيْنِ والدِّرْهَمَ والدِّرْهَمَيْنِ، وَقَالَ: أَمَرَ بِبَقَرَةٍ فَنُحِرَتْ، ثُمَّ قَسَمَ لَحْمَهَا.

**[4106] 116 - (...)** This report was narrated from Jâbir from the Prophet ﷺ (a *Ḥadîth* similar to no. 4105), except that he said: "He bought it from me for the price that he had stipulated," but he did not mention two *Uqiyahs* and a Dirham or two Dirham. And he said: "He ordered that a cow be slaughtered then he distributed its meat."

[٤١٠٧] ١١٧-(...) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ عَنِ ابْنِ جُرَيْجٍ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ؛ أَنَّ النَّبِيَّ ﷺ قَالَ لَهُ: «قَدْ أَخَذْتُ جَمَلَكَ بِأَرْبَعَةِ دَنَانِيرَ، ولَكَ ظَهْرُهُ إِلَىٰ الْمَدِينَةِ».

**[4107] 117 - (...)** It was narrated from Jâbir that the Prophet ﷺ said to him: "I will take your camel for four Dînâr and you may ride it until Al-Madînah."

## Chapter 22. It Is Permissible To Lend Animals And It Is Recommended To Pay In Full, Giving Something Better Than That Which Is Owed

(المعجم ٢٢) - (بَابُ جواز اقتراض الحيوان واستحباب توفيته خيرًا مما عليه) (التحفة ٤٣)

**[4108] 118 - (1600)** It was narrated from Abû Râfi' that the Messenger of Allâh ﷺ borrowed a young camel from a man, then some *Ṣadaqah* camels were brought to him. He told Abû Râfi' to give the man back his camel, and Abû Râfi' came back to him and said: "I could not find anything among them but camels that were better and older." He said: "Give it to him, for the best of people are those who are best in paying off their debts."

[٤١٠٨] **١١٨**-(١٦٠٠) حَدَّثَنَا أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرِو بْنِ سَرْحٍ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي رَافِعٍ؛ أَنَّ رَسُولَ اللهِ ﷺ اسْتَسْلَفَ مِنْ رَجُلٍ بَكْرًا فَقَدِمَتْ عَلَيْهِ إِبِلٌ مِنَ الصَّدَقَةِ، فَأَمَرَ أَبَا رَافِعٍ أَنْ يَقْضِيَ الرَّجُلَ بَكْرَهُ، فَرَجَعَ إِلَيْهِ أَبُو رَافِعٍ فَقَالَ: لَمْ أَجِدْ فِيهَا إِلَّا خِيَارًا رَبَاعِيًا، فَقَالَ: «أَعْطِهِ إِيَّاهُ، إِنَّ خِيَارَ النَّاسِ أَحْسَنُهُمْ قَضَاءً».

**[4109] 119 - (...)** It was narrated that Abû Râfi', the freed slave of the Messenger of Allâh ﷺ, said: "The Messenger of Allâh ﷺ borrowed a young camel..." a similar report (as no. 4108), except that he said: "The best of the slaves of Allâh are those who are the best in paying off their debts."

[٤١٠٩] **١١٩**-(...) حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ عَنْ مُحَمَّدِ ابْنِ جَعْفَرٍ: سَمِعْتُ زَيْدَ بْنَ أَسْلَمَ: أَخْبَرَنَا عَطَاءُ بْنُ يَسَارٍ عَنْ أَبِي رَافِعٍ مَوْلَىٰ رَسُولِ اللهِ ﷺ، قَالَ: اسْتَسْلَفَ رَسُولُ اللهِ ﷺ بَكْرًا، بِمِثْلِهِ، غَيْرَ أَنَّهُ قَالَ: «فَإِنَّ خَيْرَ عِبَادِ اللهِ أَحْسَنُهُمْ قَضَاءً».

**[4110] 120 - (1601)** It was narrated that Abû Hurairah said: "A man was owed something by the Messenger of Allâh ﷺ and he spoke to him in a harsh manner, so the Companions of the Prophet ﷺ wanted to go after him. The Prophet ﷺ said:

[٤١١٠] **١٢٠**-(١٦٠١) حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ [بْنِ عُثْمَانَ الْعَبْدِيُّ]: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ لِرَجُلٍ عَلَىٰ رَسُولِ

'The one who has a right is entitled to speak.' And he said to them: 'Buy a camel for him and give it to him.' They said: 'We cannot find anything but a camel that is better than his.' He said: 'Buy it and give it to him, for among the best of you' - or 'the best of you' - 'are those who are the best in paying off debts.'"

اللهِ ﷺ حَقٌّ، فَأَغْلَظَ لَهُ، فَهَمَّ بِهِ أَصْحَابُ النَّبِيِّ ﷺ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّ لِصَاحِبِ الْحَقِّ مَقَالًا»، فَقَالَ لَهُمْ: «اشْتَرُوا لَهُ سِنًّا فَأَعْطُوهُ إِيَّاهُ» فَقَالُوا: إِنَّا لَا نَجِدُ إِلَّا سِنًّا هُوَ خَيْرٌ مِنْ سِنِّهِ، قَالَ: «فَاشْتَرُوهُ فَأَعْطُوهُ إِيَّاهُ، فَإِنَّ مِنْ خَيْرِكُمْ - أَوْ خَيْرَكُمْ - أَحْسَنُكُمْ قَضَاءً».

**[4111] 121 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ borrowed a camel, and gave back a camel that was better than it, and he said: 'The best of you are those who are the best in paying off debts.'"

[٤١١١] **١٢١**-(...) **حَدَّثَنَا** أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ عَنْ عَلِيِّ بْنِ صَالِحٍ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: اسْتَقْرَضَ رَسُولُ اللهِ ﷺ سِنًّا، فَأَعْطَىٰ سِنًّا فَوْقَهُ، وَقَالَ: «خِيَارُكُمْ مَحَاسِنُكُمْ قَضَاءً».

**[4112] 122 - (...)** It was narrated that Abû Hurairah said: "A man came asking the Messenger of Allâh ﷺ to return a camel that he had borrowed, and he said: 'Give him a camel that is better than his camel.' And he said: 'The best of you is the one who is best in paying off debts.'"

[٤١١٢] **١٢٢**-(...) **حَدَّثَنَا** مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا سُفْيَانُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ يَتَقَاضَىٰ رَسُولَ اللهِ ﷺ بَعِيرًا، فَقَالَ: «أَعْطُوهُ سِنًّا فَوْقَ سِنِّهِ»، وَقَالَ: «خَيْرُكُمْ أَحْسَنُكُمْ قَضَاءً».

## Chapter 23. The Permissibility Of Selling Animals For Animals Of The Same Kind And Of Different Quality

## (المعجم ٢٣) - (بَابُ جواز بيع الحيوان بالحيوان، من جنسه، متفاضلا) (التحفة ٤٤)

**[4113] 123 - (1602)** It was narrated that Jâbir said: "A slave came and swore allegiance to the

[٤١١٣] **١٢٣**-(١٦٠٢) **حَدَّثَنَا** يَحْيَى بْنُ يَحْيَى التَّمِيمِيُّ وَابْنُ رُمْحٍ قَالَا:

Prophet ﷺ, pledging to emigrate, and he did not realize that he was a slave. Then his master came looking for him. The Prophet ﷺ said: 'Sell him to me,' and he bought him for two black slaves. Then after that he did not accept the oath of allegiance of anyone until he had asked: 'Is he a slave?'"

أَخْبَرَنَا اللَّيْثُ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: جَاءَ عَبْدٌ فَبَايَعَ النَّبِيَّ ﷺ عَلَىٰ الْهِجْرَةِ، وَلَمْ يَشْعُرْ أَنَّهُ عَبْدٌ، فَجَاءَ سَيِّدُهُ يُرِيدُهُ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «بِعْنِيهِ» فَاشْتَرَاهُ بِعَبْدَيْنِ أَسْوَدَيْنِ، ثُمَّ لَمْ يُبَايِعْ أَحَدًا بَعْدُ، حَتَّىٰ يَسْأَلَهُ «أَعَبْدٌ هُوَ؟».

## Chapter 24. Pawning (*Rahn*) And Its Permissibility Whether One Is Travelling Or Not

## (المعجم ٢٤) - (بَابُ الرهن وجوازه في الحضر كَالسَّفرِ) (التحفة ٤٥)

**[4114] 124 - (1603)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ bought some food on credit from a Jew, and he gave him a coat of mail of his as collateral."

**[٤١١٤] ١٢٤-(١٦٠٣)** حَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْعَلَاءِ- وَاللَّفْظُ لِيَحْيَىٰ - قَالَ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: اشْتَرَىٰ رَسُولُ اللهِ ﷺ مِنْ يَهُودِيٍّ طَعَامًا بِنَسِيئَةٍ، فَأَعْطَاهُ دِرْعًا لَهُ، رَهْنًا.

**[4115] 125 - (...)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ bought some food from a Jew and gave him an iron coat of mail as collateral."

**[٤١١٥] ١٢٥-(...)** حَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ وَعَلِيُّ بْنُ خَشْرَمٍ قَالَا: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: اشْتَرَىٰ رَسُولُ اللهِ ﷺ مِنْ يَهُودِيٍّ طَعَامًا، وَرَهَنَهُ دِرْعًا مِنْ حَدِيدٍ.

[4116] 126 - (...) It was narrated from 'Âishah that the Messenger of Allâh ﷺ bought some food from a Jew to be paid for at a later date, and he gave him an iron coat of mail of his as collateral.

[٤١١٦] ١٢٦-(...) حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا الْمَخْزُومِيُّ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ، عَنِ الْأَعْمَشِ قَالَ: ذَكَرْنَا الرَّهْنَ فِي السَّلَمِ عِنْدَ إِبْرَاهِيمَ النَّخَعِيِّ، فَقَالَ: حَدَّثَنَا الْأَسْوَدُ بْنُ يَزِيدَ عَنْ عَائِشَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ اشْتَرَىٰ مِنْ يَهُودِيٍّ طَعَامًا إِلَىٰ أَجَلٍ، وَرَهَنَهُ دِرْعًا لَهُ مِنْ حَدِيدٍ.

[4117] (...) A similar report (as no. 4116) was narrated from 'Âishah from the Prophet ﷺ, but he (the narrator) did not mention iron.

[٤١١٧] (...) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَفْصُ بنُ غِيَاثٍ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، قَالَ: حَدَّثَنِي الْأَسْوَدُ عَنْ عَائِشَةَ، عَنِ النَّبِيِّ ﷺ مِثْلَهُ، وَلَمْ يَذْكُرْ: مِنْ حَدِيدٍ.

## Chapter 25. *Salam* (Payment In Advance)

## (المعجم ٢٥) - (بَابُ السلم)

(التحفة ٤٦)

[4118] 127 - (1604) It was narrated that Ibn 'Abbâs said: "When the Prophet ﷺ came to Al-Madînah, they used to pay one or two years in advance for fruits. He said: 'Whoever pays for fruits in advance, let him pay in advance for a specified measure and a specified weight, for a specified amount of time.'"

[٤١١٨] ١٢٧-(١٦٠٤) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ وَعَمْرٌو النَّاقِدُ - وَاللَّفْظُ لِيَحْيَىٰ - قَالَ عَمْرٌو: حَدَّثَنَا، وَقَالَ يَحْيَىٰ: أَخْبَرَنَا - سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ ابْنِ أَبِي نَجِيحٍ، عَنْ عَبْدِ اللهِ بْنِ كَثِيرٍ، عَنْ أَبِي الْمِنْهَالِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ، وَهُمْ يُسْلِفُونَ فِي الثِّمَارِ، السَّنَةَ وَالسَّنَتَيْنِ فَقَالَ: «مَنْ سلَفَ فِي تَمْرٍ، فَلْيُسْلِفْ فِي كَيْلٍ مَعْلُومٍ، وَوَزْنٍ مَعْلُومٍ، إِلَىٰ أَجَلٍ مَعْلُومٍ».

[4119] 128 - (...) It was narrated that Ibn 'Abbâs said: "When the Messenger of Allâh ﷺ came (to Al-Madînah), the people used to pay in advance. The Messenger of Allâh ﷺ said to them: 'Whoever pays in advance, let him not pay in advance except for a specified measure and a specified weight.'"

[٤١١٩] ١٢٨-(...) حَدَّثَنَا شَيْبَانُ ابْنُ فَرُّوخَ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنِ ابْنِ أَبِي نَجِيحٍ: حَدَّثَنِي عَبْدُ اللهِ بْنُ كَثِيرٍ عَنْ أَبِي الْمِنْهَالِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَدِمَ رَسُولُ اللهِ ﷺ وَالنَّاسُ يُسْلِفُونَ، فَقَالَ لَهُمْ رَسُولُ اللهِ ﷺ: «مَنْ أَسْلَفَ فَلَا يُسْلِفْ إِلَّا فِي كَيْلٍ مَعْلُومٍ، وَوَزْنٍ مَعْلُومٍ».

[4120] (...) A *Hadîth* like that of 'Abdul-Wârith (no. 4119) was narrated from Ibn Abî Najîh with this chain, but he did not mention "until a specified time."

[٤١٢٠] (...) حَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ وأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَإِسْمَاعِيلُ ابْنُ سَالِمٍ، جَمِيعًا عَنِ ابْنِ عُيَيْنَةَ، عَنِ ابْنِ أَبِي نَجِيحٍ بِهَٰذَا الْإِسْنَادِ، بِمِثْلِ حَدِيثِ عَبْدِ الْوَارِثِ، ولَمْ يَذْكُرْ: «إِلَىٰ أَجَلٍ مَعْلُومٍ».

[4121] (...) A *Hadîth* (no. 4120) like that of Ibn 'Uyaynah was narrated from Ibn Abî Najîh with their chain, and he mentioned: "until a specified time."

[٤١٢١] (...) حَدَّثَنَا أَبُو كُرَيْبٍ وَابْنُ أَبِي عُمَرَ قَالَا: حدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ، كِلَاهُمَا عَنْ سُفْيَانَ، عَنِ ابْنِ أَبِي نَجِيحٍ بِإِسْنَادِهِمْ، مِثْلَ حَدِيثِ ابْنِ عُيَيْنَةَ، فَذَكَرَ فِيهِ: «إِلَىٰ أَجَلٍ مَعْلُومٍ».

## Chapter 26. The Prohibition Of Hoarding Staple Foods

## (المعجم ٢٦) - (بَابُ تحريم الاحتكار في الأقوات) (التحفة ٤٧)

[4122] 129 - (1605) Sa'eed bin Al-Mûsâyyab narrated that Ma'mar said: "The Messenger of Allâh ﷺ said: 'Whoever hoards is

[٤١٢٢] ١٢٩-(١٦٠٥) حَدَّثَنَا عَبْدُ اللهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ، عَنْ يَحْيَىٰ وَهُوَ ابْنُ

a sinner.'" It was said to Sa'eed: "But you hoard." Sa'eed said: "Ma'mar, the one who narrated this *Ḥadîth*, used to hoard."

سَعِيدٍ قَالَ: كَانَ سَعِيدُ ابْنُ الْمُسَيَّبِ يُحَدِّثُ؛ أَنَّ مَعْمَرًا قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنِ احْتَكَرَ فَهُوَ خَاطِئٌ» فَقِيلَ لِسَعِيدٍ: فَإِنَّكَ تَحْتَكِرُ؟ قَالَ سَعِيدٌ: إِنَّ مَعْمَرًا الَّذِي كَانَ يُحَدِّثُ هٰذَا الْحَدِيثَ كَانَ يَحْتَكِرُ.

**[4123] 130 - (...)** It was narrated from Ma'mar bin 'Abdullâh that the Messenger of Allâh ﷺ said: "No one hoards but a sinner."

**[٤١٢٣] ١٣٠-(...) حَدَّثَنَا** سَعِيدُ ابْنُ عَمْرٍو الْأَشْعَثِيُّ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، عَنْ مُحَمَّدِ ابْنِ عَمْرِو بْنِ عَطَاءٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ مَعْمَرِ بْنِ عَبْدِ اللهِ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «لَا يَحْتَكِرُ إِلَّا خَاطِئٌ».

**[4124] (...)** It was narrated that Ma'mar bin Abî Ma'mar, one of Banû 'Adiyy bin Ka'b, said: "The Messenger of Allâh ﷺ said..." and he mentioned a *Ḥadîth* like that of Sulaimân bin Bilâl from Yaḥyâ (no. 4122).

**[٤١٢٤] (...) [قَالَ إِبْرَاهِيمُ:** قَالَ مُسْلِمٌ: وَ] حَدَّثَنِي بَعْضُ أَصْحَابِنَا، عَنْ عَمْرِو بْنِ عَوْنٍ: أَخْبَرَنَا خَالِدُ بْنُ عَبْدِ اللهِ عَنْ عَمْرِو بْنِ يَحْيَىٰ، عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ مَعْمَرِ ابْنِ أَبِي مَعْمَرٍ أَحَدِ بَنِي عَدِيِّ بْنِ كَعْبٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ، فَذَكَرَ بِمِثْلِ حَدِيثِ سُلَيْمَانَ ابْنِ بِلَالٍ عَنْ يَحْيَىٰ.

## Chapter 27. The Prohibition Of Swearing Oaths When Selling

## (المعجم ٢٧) - (بَابُ النَّهْيِ عَن الحلف في البيع) (التحفة ٤٨)

**[4125] 131 - (1606)** It was narrated from Ibn Al-Mûsâyyab that Abû Hurairah said: "I heard

**[٤١٢٥] ١٣١-(١٦٠٦) حَدَّثَنَا** زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا أَبُو صَفْوَانَ

الْأُمَوِيُّ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ، كِلَيْهِمَا عَنْ يُونُسَ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ الْمُسَيَّبِ؛ أَنَّ أَبَا هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «الْحَلِفُ مَنْفَقَةٌ لِلسِّلْعَةِ، مَمْحَقَةٌ لِلرِّبْحِ».

the Messenger of Allâh ﷺ say: 'Swearing helps one to sell the goods but it erases (the blessing of) the profit.'"

[٤١٢٦] ١٣٢-(١٦٠٧) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِابْنِ أَبِي شَيْبَةَ - قَالَ إِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - أَبُو أُسَامَةَ عَنِ الْوَلِيدِ بْنِ كَثِيرٍ، عَنْ مَعْبَدِ بْنِ كَعْبِ بْنِ مَالِكٍ، عَنْ أَبِي قَتَادَةَ الْأَنْصَارِيِّ؛ أَنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ يَقُولُ: «إِيَّاكُمْ وَكَثْرَةَ الْحَلِفِ فِي الْبَيْعِ، فَإِنَّهُ يُنَفِّقُ ثُمَّ يَمْحَقُ».

**[4126] 132 - (1607)** It was narrated from Abû Qatâdah Al-Anṣârî that he heard the Messenger of Allâh ﷺ say: "Beware of swearing a great deal when selling, for it brings about a sale, then erases (the blessing)."

## (المعجم ٢٨) - (بَابُ الشُّفعة)

(التحفة ٤٩)

## Chapter 28. Pre-Emption

[٤١٢٧] ١٣٣-(١٦٠٨) حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرٍ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا أَبُو خَيْثَمَةَ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبدِ اللهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَ لَهُ شَرِيكٌ فِي رَبْعَةٍ أَوْ نَخْلٍ، فَلَيْسَ لَهُ أَنْ يَبِيعَ حَتَّىٰ يُؤْذِنَ شَرِيكَهُ، فَإِنْ رَضِيَ أَخَذَ، وَإِنْ كَرِهَ تَرَكَ».

**[4127] 133 - (1608)** It was narrated that Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'Whoever has a partner in property or palm trees, he should not sell until he notifies his partner; if he agrees he may take it, and if he disagrees he may leave it.'"

**[4128] 134 - (...)** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ decreed pre-emption in every partnership that has not been divided, whether it is a dwelling or a garden. It is not permissible for him to sell it until he notifies his partner, and if he wishes, he may take it, and if he wishes, he may leave it. If he sells it and he did not give permission, then he has more right to it."

[٤١٢٨] **١٣٤-(...) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِابْنِ نُمَيْرٍ - قَالَ إِسْحَاقُ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - عَبْدُ اللهِ بْنُ إِدْرِيسَ: حَدَّثَنَا ابْنُ جُرَيْجٍ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: قَضَىٰ رَسُولُ اللهِ ﷺ بِالشُّفْعَةِ فِي كُلِّ شِرْكَةٍ لَمْ تُقْسَمْ، رَبْعَةٍ أَوْ حَائِطٍ، لَا يَحِلُّ لَهُ أَنْ يَبِيعَ حَتَّىٰ يُؤْذِنَ شَرِيكَهُ، فَإِنْ شَاءَ أَخَذَ وَإِنْ شَاءَ تَرَكَ، فَإِذَا بَاعَ وَلَمْ يُؤْذِنْهُ فَهُوَ أَحَقُّ بِهِ.

**[4129] 135 - (...)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'There is pre-emption in every partnership in land, dwellings, or gardens. It is not right to sell until he offers it to his partner, who may take it or leave it. If he insists, then his partner has the greater right to it unless he notifies him."

[٤١٢٩] **١٣٥-(...) وحَدَّثَنَا** أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنِ ابْنِ جُرَيْجٍ؛ أَنَّ أَبَا الزُّبَيْرِ أَخْبَرَهُ؛ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «الشُّفْعَةُ فِي كُلِّ شِرْكٍ فِي أَرْضٍ أَوْ رَبْعٍ أَوْ حَائِطٍ، لَا يَصْلُحُ أَنْ يَبِيعَ حَتَّىٰ يَعْرِضَ عَلَىٰ شَرِيكِهِ فَيَأْخُذَ أَوْ يَدَعَ، فَإِنْ أَبَىٰ فَشَرِيكُهُ أَحَقُّ بِهِ حَتَّىٰ يُؤْذِنَهُ».

## Chapter 29. Fixing A Piece Of Wood To A Neighbor's Wall

## (المعجم ٢٩) - (بَابُ غرز الخَشَبة في جدار الجار) (التحفة ٥٠)

**[4130] 136 - (1609)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "No one of you should prevent his neighbor from fixing a piece of wood to his wall."

[٤١٣٠] **١٣٦-(١٦٠٩) حَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَمْنَعْ

أَحَدُكُمْ جَارَهُ أَنْ يَغْرِزَ خَشَبَةً فِي جِدارِهِ»، قَالَ: ثُمَّ يَقُولُ أَبُو هُرَيْرَةَ: مَا لِي أَرَاكُمْ عَنْهَا مُعْرِضِينَ؟ وَاللهِ! لَأَرْمِيَنَّ بِهَا بَيْنَ أَكْتَافِكُمْ.

Then Abû Hurairah said: "Why do I see you objecting to it? By Allâh, I will keep reminding you of it."

[٤١٣١] (...) حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ، نَحْوَهُ.

**[4131] (...)** A similar report (as no. 4130) was narrated from Az-Zuhrî with this chain.

## (المعجم ٣٠) - (بَابُ تحريم الظلم وغصب الأرض وغيرها) (التحفة ٥١)

## Chapter 30. The Prohibition Of Wrongdoing, Seizing Land Unlawfully, Etc

**[٤١٣٢] ١٣٧-(١٦١٠)** حَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَعَلِيُّ بْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَٰنِ، عَنْ عَبَّاسِ بْنِ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ، عَنْ سَعِيدِ بْنِ زَيْدِ بْنِ عَمْرِو بْنِ نُفَيْلٍ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنِ اقْتَطَعَ شِبْرًا مِنَ الْأَرْضِ ظُلْمًا، طَوَّقَهُ اللهُ إِيَّاهُ يَوْمَ الْقِيَامَةِ مِنْ سَبْعِ أَرَضِينَ».

**[4132] 137 - (1610)** It was narrated from Sa'eed bin Zaid bin 'Amr bin Nufail that the Messenger of Allâh ﷺ said: "Whoever seizes a handspan of land unlawfully, Allâh will shackle his neck with it, to seven earths on the Day of Resurrection."

**[٤١٣٣] ١٣٨-(...)** حَدَّثَنَا حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ

**[4133] 138 - (...)** It was narrated from 'Umar bin Muḥammad, that his father narrated to him from

Sa'eed bin Zaid bin 'Amr bin Nufail, that Arwâ disputed with him about part of his house and he said: "Let her take it, for I heard the Messenger of Allâh ﷺ say: 'Whoever seizes a handspan of land unlawfully, his neck will be shackled to seven earths on the Day of Resurrection.' O Allâh, if she is lying, take away her sight and make her grave in her house."

He said: "I saw her blind, clinging to the walls and saying: 'The supplication of Sa'eed bin Zaid afflicted me.' While she was walking in the house, she came to a well in the house and fell in, and it became her grave."

وَهْبٍ: حَدَّثَنِي عُمَرُ بْنُ مُحَمَّدٍ؛ أَنَّ أَبَاهُ حَدَّثَهُ عَنْ سَعِيدِ بْنِ زَيْدِ بْنِ عَمْرِو ابْنِ نُفَيْلٍ؛ أَنَّ أَرْوَىٰ خَاصَمَتْهُ فِي بَعْضِ دَارِهِ فَقَالَ: دَعُوهَا وَإِيَّاهَا، فَإِنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ أَخَذَ شِبْرًا مِنَ الْأَرْضِ بِغَيْرِ حَقِّهِ، طُوِّقَهُ فِي سَبْعِ أَرَضِينَ يَوْمَ الْقِيَامَةِ»، اللَّهُمَّ! إِنْ كَانَتْ كَاذِبَةً فَأَعْمِ بَصَرَهَا، وَاجْعَلْ قَبْرَهَا فِي دَارِهَا.

قَالَ: فَرَأَيْتُهَا عَمْيَاءَ تَلْتَمِسُ الْجُدُرَ تَقُولُ: أَصَابَتْنِي دَعْوَةُ سَعِيدِ بْنِ زَيْدٍ، فَبَيْنَمَا هِيَ تَمْشِي فِي الدَّارِ مَرَّتْ عَلَىٰ بِئْرٍ فِي الدَّارِ، فَوَقَعَتْ فِيهَا، فَكَانَتْ قَبْرَهَا.

**[4134] 139 - (...)** It was narrated from Hishâm bin 'Urwah, from his father, that Arwâ bint Uwais claimed that Sa'eed bin Zaid had taken some of her land, and she referred her dispute with him to Marwân bin Al-Ḥakam. Sa'eed said: "Would I take any of her land after what I heard from the Messenger of Allâh ﷺ?" He said: "What did you hear from the Messenger of Allâh ﷺ?" He said: "I heard the Messenger of Allâh ﷺ say: 'Whoever takes a handspan of land unlawfully, his neck will be shackled to seven earths.'" Marwân said to him: "I will not ask you for any proof after this." He (Sa'eed) said: "O Allâh, if she is lying then

**[٤١٣٤] ١٣٩-(...)** حَدَّثَنَا أَبُو الرَّبِيعِ الْعَتَكِيُّ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ؛ أَنَّ أَرْوَىٰ بِنْتَ أُوَيْسٍ ادَّعَتْ عَلَىٰ سَعِيدِ بْنِ زَيْدٍ؛ أَنَّهُ أَخَذَ شَيْئًا مِنْ أَرْضِهَا، فَخَاصَمَتْهُ إِلَىٰ مَرْوَانَ بْنِ الْحَكَمِ، فَقَالَ سَعِيدٌ: أَنَا كُنْتُ آخُذُ مِنْ أَرْضِهَا شَيْئًا بَعْدَ الَّذِي سَمِعْتُ مِنْ رَسُولِ اللهِ ﷺ؟ قَالَ: وَمَا سَمِعْتَ مِنْ رَسُولِ اللهِ ﷺ؟ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ أَخَذَ شِبْرًا مِنَ الْأَرْضِ ظُلْمًا طُوِّقَهُ إِلَىٰ سَبْعِ أَرَضِينَ»، فَقَالَ لَهُ مَرْوَانُ: لَا أَسْأَلُكَ بَيِّنَةً بَعْدَ هٰذَا

make her eyes blind and cause her to die in her own land." And she did not die until her sight was gone, then while she was walking on her land she fell into a pit and died.

فَقَالَ: اللّٰهُمَّ! إِنْ كَانَتْ كَاذِبَةً فَعَمِّ بَصَرَهَا وَاقْتُلْهَا فِي أَرْضِهَا، قَالَ: فَمَا مَاتَتْ حَتّٰى ذَهَبَ بَصَرُهَا، ثُمَّ بَيْنَا هِيَ تَمْشِي فِي أَرْضِهَا إِذْ وَقَعَتْ فِي حُفْرَةٍ فَمَاتَتْ.

**[4135] 140 - (...)** It was narrated that Sa'eed bin Zaid said: "I heard the Prophet ﷺ say: 'Whoever seizes a handspan of land unlawfully, his neck will be shackled to seven earths on the Day of Resurrection.'"

**[٤١٣٥] ١٤٠-(...)** حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى ابْنُ زَكَرِيَّاءَ بْنِ أَبِي زَائِدَةَ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ زَيْدٍ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «مَنْ أَخَذَ شِبْرًا مِنَ الْأَرْضِ ظُلْمًا، فَإِنَّهُ يُطَوَّقُهُ يَوْمَ الْقِيَامَةِ مِنْ سَبْعِ أَرَضِينَ».

**[4136] 141 - (1611)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'No one seizes a handspan of land unlawfully, but Allâh will shackle his neck to seven earths on the Day of Resurrection.'"

**[٤١٣٦] ١٤١-(١٦١١)** وحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا جَرِيرٌ عَنْ سُهَيْلٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَأْخُذُ أَحَدٌ شِبْرًا مِنَ الْأَرْضِ بِغَيْرِ حَقِّهِ، إِلَّا طَوَّقَهُ اللهُ إِلَىٰ سَبْعِ أَرَضِينَ يَوْمَ الْقِيَامَةِ».

**[4137] 142 - (1612)** It was narrated from Muhammad bin Ibrâhîm that Abû Salamah, who had a dispute with his people concerning some land, told him that he entered upon 'Âishah and told her about that. She said: "O Abû Salamah, stay away from this land, for the Messenger of Allâh ﷺ said: 'Whoever wrongs another with regard to (even) a

**[٤١٣٧] ١٤٢-(١٦١٢)** حَدَّثَنَا أَحْمَدُ بْنُ إِبْرَاهِيمَ الدَّوْرَقِيُّ: حَدَّثَنَا عَبْدُ الصَّمَدِ يَعْنِي ابْنَ عَبْدِ الْوَارِثِ: حَدَّثَنَا حَرْبٌ وَهُوَ ابْنُ شَدَّادٍ: حَدَّثَنَا يَحْيَىٰ وَهُوَ ابْنُ أَبِي كَثِيرٍ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ؛ أَنَّ أَبَا سَلَمَةَ حَدَّثَهُ، وَكَانَ بَيْنَهُ وَبَيْنَ قَوْمِهِ خُصُومَةٌ فِي أَرْضٍ، وَأَنَّهُ دَخَلَ عَلَىٰ

handspan of land, his neck will be shackled to seven earths.'"

عَائِشَةَ فَذَكَرَ ذَلِكَ لَهَا فَقَالَتْ: يَا أَبَا سَلَمَةَ! اجْتَنِبِ الْأَرْضَ، فَإِنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ ظَلَمَ قِيدَ شِبْرٍ مِنَ الْأَرْضِ طُوِّقَهُ مِنْ سَبْعِ أَرَضِينَ».

**[4138] (...)** Abû Salamah narrated that he entered upon 'Âishah... a similar report (as no. 4137).

[٤١٣٨] ( . . . ) **وحَدَّثَني** إِسْحَٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا حَبَّانُ بْنُ هِلَالٍ: حَدَّثَنَا أَبَانٌ: حَدَّثَنَا يَحْيَىٰ؛ أَنَّ مُحَمَّدَ بْنَ إِبْرَاهِيمَ حَدَّثَهُ؛ أَنَّ أَبَا سَلَمَةَ حَدَّثَهُ؛ أَنَّهُ دَخَلَ عَلَىٰ عَائِشَةَ، فَذَكَرَ مِثْلَهُ.

## Chapter 31. The Width Of The Road If There Is A Dispute About It

## (المعجم ٣١) - (بَابُ قدر الطريق إذا اختلفوا فيه) (التحفة ٥٢)

**[4139] 143 - (1613)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "If you dispute concerning the road, make its width seven cubits."

[٤١٣٩] **١٤٣**-(١٦١٣) **حَدَّثَني** أَبُو كَامِلٍ فُضَيْلُ بْنُ حُسَيْنٍ الْجَحْدَرِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ الْمُخْتَارِ: حَدَّثَنَا خَالِدٌ الْحَذَّاءُ عَنْ يُوسُفَ بْنِ عَبْدِ اللهِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «إِذَا اخْتَلَفْتُمْ فِي الطَّرِيقِ، جُعِلَ عَرْضُهُ سَبْعَ أَذْرُعٍ».

## 23. The Book Of The Shares Of Inheritance

٨ - (المعجم ٢٣) - كتاب الفرائض (التحفة ١٣)

### Chapter... A Muslim Does Not Inherit From A Disbeliever And A Disbeliever Does Not Inherit From A Muslim

(المعجم . . .) - (بَابُ: لا يرث المسلم الكافر ولا يرث الكافر المسلم) (التحفة ١)

[4140] 1 - (1614) It was narrated from Usâmah bin Zaid that the Prophet ﷺ said: "A Muslim does not inherit from a disbeliever and a disbeliever does not inherit from a Muslim."

[٤١٤٠] ١-(١٦١٤) حَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِيَحْيَىٰ - قَالَ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - ابْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عَلِيِّ بْنِ حُسَيْنٍ، عَنْ عَمْرِو بْنِ عُثْمَانَ، عَنْ أُسَامَةَ بْنِ زَيْدٍ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ، وَلَا يَرِثُ الْكَافِرُ الْمُسْلِمَ».

### Chapter 1. Give The Shares Of Inheritance To Those Who Are Entitled To Them, And Whatever Is Left Goes To The Closest Male Relative

(المعجم ١) - (بَابُ ألحقوا الفرائض بأهلها فما بقي فلأَوْلى رجل ذكر) (التحفة ٢)

[4141] 2 - (1615) It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'Give the shares of inheritance to those who are entitled to them, and whatever is left, then it is for the closest male relative.'"

[٤١٤١] ٢-(١٦١٥) حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ حَمَّادٍ وَهُوَ النَّرْسِيُّ: حَدَّثَنَا وُهَيْبٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «أَلْحِقُوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا بَقِيَ فَهُوَ لِأَوْلَىٰ رَجُلٍ ذَكَرٍ».

[4142] 3 - (...) It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ said:

[٤١٤٢] ٣-(. . .) حَدَّثَنَا أُمَيَّةُ بْنُ بِسْطَامَ الْعَيْشِيُّ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا

"Give the shares of inheritance to those who are entitled to them, and whatever is left of inheritance, then it is for the closest male relative."

رَوْحُ بْنُ الْقَاسِمِ عَنْ عَبْدِ اللهِ بْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «أَلْحِقُوا الْفَرَائِضَ بِأَهْلِهَا، فَمَا تَرَكَتِ الْفَرَائِضُ فَلِأَوْلَىٰ رَجُلٍ ذَكَرٍ».

**[4143] 4 - (...)** It was narrated that Ibn 'Abbâs said: "The Messenger of Allâh ﷺ said: 'Divide the wealth among those who are entitled to a share of inheritance according to the Book of Allâh, the Most High, and whatever is left then it is for the closest male relative."

**[٤١٤٣] ٤-(...) حَدَّثَنَا** إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ رَافِعٍ وَعَبْدُ ابْنُ حُمَيْدٍ - وَاللَّفْظُ لِابْنِ رَافِعٍ - قَالَ إِسْحَاقُ: حَدَّثَنَا، وَقَالَ الْآخَرَانِ: أَخْبَرَنَا - عَبْدُ الرَّزَّاقِ -: أَخْبَرَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «اقْسِمُوا الْمَالَ بَيْنَ أَهْلِ الْفَرَائِضِ عَلَىٰ كِتَابِ اللهِ تَعَالَىٰ، فَمَا تَرَكَتِ الْفَرَائِضُ فَلِأَوْلَىٰ رَجُلٍ ذَكَرٍ».

**[4144] (...)** A *Ḥadîth* like that of Wuhaib and Rawḥ bin Al-Qâsim (nos. 4141, 4142) was narrated from Ibn Ṭâwûs with this chain.

**[٤١٤٤] (...) وَحَدَّثَنِيهِ** مُحَمَّدُ بْنُ الْعَلَاءِ أَبُو كُرَيْبٍ الْهَمْدَانِيُّ: حَدَّثَنَا زَيْدُ ابْنُ حُبَابٍ عَنْ يَحْيَى بْنِ أَيُّوبَ، عَنِ ابْنِ طَاوُسٍ بِهَٰذَا الْإِسْنَادِ، نَحْوَ حَدِيثِ وُهَيْبٍ وَرَوْحِ بْنِ الْقَاسِمِ.

## Chapter 2. Inheritance Of The *Kalâlah*[1]

## (المعجم ٢) - (بَابُ ميراث الكلالة) (التحفة ٣)

**[4145] 5 - (1616)** Jâbir bin 'Abdullâh said: "I fell sick and the Messenger of Allâh ﷺ and

**[٤١٤٥] ٥-(١٦١٦) حَدَّثَنَا** عَمْرُو ابْنُ مُحَمَّدِ بْنِ بُكَيْرٍ النَّاقِدُ: حَدَّثَنَا سُفْيَانُ

[1] Scholars differ over the meaning of *Kalâlah*, what is popular is that it refers to the person who dies, leaving no parent or child. For details see the *Tafsîr* of Ibn Kathîr published by Darussalam, *Sûrat An-Nisâ'* 4:12, and 176.

Abû Bakr came walking to visit me. I lost consciousness, and the Messenger of Allâh ﷺ performed *Wuḍû'* then poured some of the water on me, and I regained consciousness. I said: 'O Messenger of Allâh, how should I dispose of my wealth?' He did not give me any answer until the Verse of inheritance was revealed: They ask you for a legal verdict. Say: Allâh directs (thus) about *Al-Kalâlah* (those who leave neither descendants nor ascendants as heirs)...".[1]

ابْنُ عُيَيْنَةَ عَنْ مُحَمَّدِ بْنِ الْمُنْكَدِرِ: قَالَ: سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ قَالَ: مَرِضْتُ فَأَتَانِي رَسُولُ اللهِ ﷺ وَأَبُو بَكْرٍ يَعُودَانِي، مَاشِيَانِ، فَأُغْمِيَ عَلَيَّ، فَتَوَضَّأَ رَسُولُ اللهِ ﷺ ثُمَّ صَبَّ عَلَيَّ مِنْ وَضُوئِهِ، فَأَفَقْتُ، قُلْتُ: يَا رَسُولَ اللهِ! كَيْفَ أَقْضِي فِي مَالِي؟ فَلَمْ يَرُدَّ عَلَيَّ شَيْئًا حَتَّى نَزَلَتْ آيَةُ الْمِيرَاثِ: ﴿يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ﴾ [النساء: ١٧٦].

**[4146] 6 - (...)** It was narrated that Jâbir bin 'Abdullâh said: "The Prophet ﷺ and Abû Bakr came walking to visit me in Banû Salamah, and they found me unconscious. He called for water and performed *Wuḍû'*, then he sprinkled some of it on me, and I regained consciousness. I said: 'What should I do with my wealth, O Messenger of Allâh?' And the Verse "Allâh commands you as regards your children's (inheritance): To the male, a portion equal to that of two females"[2] was revealed."

**[٤١٤٦] ٦-(...) حَدَّثَنِي** مُحَمَّدُ بْنُ حَاتِمِ بْنِ مَيْمُونٍ: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ: حَدَّثَنَا ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي ابْنُ الْمُنْكَدِرِ عَنْ جَابِرِ ابْنِ عَبْدِ اللهِ قَالَ: عَادَنِي النَّبِيُّ ﷺ وَأَبُو بَكْرٍ فِي بَنِي سَلِمَةَ يَمْشِيَانِ، فَوَجَدَانِي لَا أَعْقِلُ، فَدَعَا بِمَاءٍ فَتَوَضَّأَ، ثُمَّ رَشَّ عَلَيَّ مِنْهُ فَأَفَقْتُ، فَقُلْتُ: كَيْفَ أَصْنَعُ فِي مَالِي؟ يَا رَسُولَ اللهِ! فَنَزَلَتْ: ﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ﴾ [النساء: ١١].

**[4147] 7 - (...)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ visited me while I was sick, and Abû Bakr was with him. (They came) walking and found me

**[٤١٤٧] ٧-(...) حَدَّثَنَا** عُبَيْدُ اللهِ ابْنُ عُمَرَ الْقَوَارِيرِيُّ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ يَعْنِي ابْنَ مَهْدِيٍّ: حَدَّثَنَا سُفْيَانُ قَالَ:

[1] *An-Nisâ'* 4:176.

[2] *An-Nisâ'* 4:11

unconscious. The Messenger of Allâh ﷺ performed *Wuḍû'*. Then he poured some of the water on me, and I regained consciousness, and saw the Messenger of Allâh ﷺ there. I said: 'O Messenger of Allâh, what should I do with my wealth?' He did not give me any reply until the Verse of inheritance was revealed."

سَمِعْتُ مُحَمَّدَ بْنَ الْمُنْكَدِرِ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: عَادَنِي رَسُولُ اللهِ ﷺ وَأَنَا مَرِيضٌ، وَمَعَهُ أَبُو بَكْرٍ، مَاشِيَيْنِ، فَوَجَدَنِي قَدْ أُغْمِيَ عَلَيَّ، فَتَوَضَّأَ رَسُولُ اللهِ ﷺ، ثُمَّ صَبَّ عَلَيَّ مِنْ وَضُوئِهِ فَأَفَقْتُ، فَإِذَا رَسُولُ اللهِ ﷺ، فَقُلْتُ: يَا رَسُولَ اللهِ! كَيْفَ أَصْنَعُ فِي مَالِي؟ قَالَ: فَلَمْ يَرُدَّ عَلَيَّ شَيْئًا، حَتَّىٰ نَزَلَتْ آيَةُ الْمِيرَاثِ.

**[4148] 8 - (...)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ entered upon me while I was sick and unconscious. He performed *Wuḍû'* and they poured some of the water over me, and I regained consciousness. I said: 'O Messenger of Allâh, I have no ascendants or descendents to inherit from me.' Then the Verse of inheritance was revealed." I [Shu'bah (a narrator)] said to Muḥammad bin Al-Munkadir: "Was it: 'They ask you for a legal verdict. Say: Allâh directs (thus) about *Al-Kalâlah* (those who leave neither descendants nor ascendants as heirs)...''?[1] He said: "Thus it was revealed."

**[٤١٤٨] ٨-(...)** **حَدَّثَنِي** مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا بَهْزٌ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنِي مُحَمَّدُ بْنُ الْمُنْكَدِرِ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: دَخَلَ عَلَيَّ رَسُولُ اللهِ ﷺ وَأَنَا مَرِيضٌ لَا أَعْقِلُ، فَتَوَضَّأَ، فَصَبُّوا عَلَيَّ مِنْ وَضُوئِهِ، فَعَقَلْتُ، فَقُلْتُ: يَا رَسُولَ اللهِ! إِنَّما يَرِثُنِي كَلَالَةٌ، فَنَزَلَتْ آيَةُ الْمِيرَاثِ، فَقُلْتُ لِمُحَمَّدِ بْنِ الْمُنْكَدِرِ: ﴿يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ﴾؟ قَالَ: هٰكَذَا أُنْزِلَتْ.

**[4149] (...)** It was narrated from Shu'bah (a *Ḥadîth* similar to no. 4148, with a different chain of

**[٤١٤٩] (...)** **حَدَّثَنَا** إِسْحَقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا النَّضْرُ بْنُ شُمَيْلٍ وَأَبُو

[1] *An-Nisâ'* 4:176.

narrators). In the *Hadîth* of Wahb bin Jarîr it says: "The Verse of the shares of inheritance was revealed." In the *Hadîth* of An-Nadr and Al-'Aqadî it says: "The Verse of the share of inheritance." None of their reports mention what Shu'bah said to Ibn Al-Munkadir.

عَامِرٍ الْعَقَدِيُّ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ، كُلُّهُمْ عَنْ شُعْبَةَ بِهٰذَا الْإِسْنَادِ - فِي حَدِيثِ وَهْبِ بْنِ جَرِيرٍ: فَنَزَلَتْ آيَةُ الْفَرَائِضِ. وَفِي حَدِيثِ النَّضْرِ وَالْعَقَدِيِّ: فَنَزَلَتْ آيَةُ الْفَرْضِ. وَلَيْسَ فِي رِوَايَةِ أَحَدٍ مِنْهُمْ: قَوْلُ شُعْبَةَ لِابْنِ الْمُنْكَدِرِ.

**[4150] 9 - (1617)** It was narrated from Ma'dân bin Abî Talhah that 'Umar bin Al-Khattâb delivered a *Khutbah* one Friday. He mentioned the Prophet of Allâh ﷺ and he mentioned Abû Bakr. Then he said: "I am not leaving behind me any problem more difficult than that of *Kalâlah*. I did not ask the Messenger of Allâh ﷺ about any matter more than I asked him about *Kalâlah*, and he never appeared to be more annoyed by my asking any question than he did regarding this matter, until he poked me in the chest with his finger and said: 'O 'Umar, is not the Verse that was revealed in summer at the end of *Sûrat An-Nisâ'* sufficient for you?' If I live I will give a verdict concerning it which would enable those who read the Qur'ân and those who do not read it to know about this."

**[٤١٥٠] ٩-(١٦١٧) حَدَّثَنَا** مُحَمَّدُ ابْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ - وَاللَّفْظُ لِابْنِ الْمُثَنَّىٰ - قَالَا: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا هِشَامٌ: حَدَّثَنَا قَتَادَةُ عَنْ سَالِمِ بْنِ أَبِي الْجَعْدِ، عَنْ مَعْدَانَ بْنِ أَبِي طَلْحَةَ؛ أَنَّ عُمَرَ بْنَ الْخَطَّابِ خَطَبَ يَوْمَ جُمُعَةٍ، فَذَكَرَ نَبِيَّ اللهِ ﷺ، وَذَكَرَ أَبَا بَكْرٍ، ثُمَّ قَالَ: إِنِّي لَا أَدَعُ بَعْدِي شَيْئًا أَهَمَّ عِنْدِي مِنَ الْكَلَالَةِ، مَا رَاجَعْتُ رَسُولَ اللهِ ﷺ فِي شَيْءٍ مَا رَاجَعْتُهُ فِي الْكَلَالَةِ، وَمَا أَغْلَظَ لِي فِي شَيْءٍ مَا أَغْلَظَ لِي فِيهِ، حَتَّىٰ طَعَنَ بِإِصْبَعِهِ فِي صَدْرِي، وَقَالَ: «يَا عُمَرُ! أَلَا تَكْفِيكَ آيَةُ الصَّيْفِ الَّتِي فِي آخِرِ سُورَةِ النِّسَاءِ؟» وَإِنِّي إِنْ أَعِشْ أَقْضِ فِيهَا بِقَضِيَّةٍ، يَقْضِي بِهَا مَنْ يَقْرَأُ الْقُرْآنَ وَمَنْ لَا يَقْرَأُ الْقُرْآنَ.

**[4151] (...)** A similar report (as

**[٤١٥١] (...) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ

no. 4150) was narrated from Qatâdah with this chain.

أَبِي شَيْبَةَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ؛ وَحَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ رَافِعٍ عَنْ شَبَابَةَ بْنِ سَوَّارٍ، عَنْ شُعْبَةَ، كِلَاهُمَا عَنْ قَتَادَةَ بِهَٰذَا الْإِسْنَادِ، نَحْوَهُ.

## Chapter 3. The Last Verse To Be Revealed Was The Verse Of *Kalâlah*

## (المعجم ٣) - (بَابُ آخر آية أنزلت آية الكلالة) (التحفة ٤)

**[4152] 10 - (1618)** It was narrated that Al-Barâ' said: "The last Verse of the Qur'ân to be revealed was: 'They ask you for a legal verdict. Say: Allâh directs (thus) about *Al-Kalâlah* (those who leave neither descendants nor ascendants as heirs)...'".[1]

**[٤١٥٢] ١٠-(١٦١٨) حَدَّثَنَا** عَلِيُّ ابْنُ خَشْرَمٍ: حَدَّثَنَا وَكِيعٌ عَنِ ابْنِ أَبِي خَالِدٍ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ قَالَ: آخِرُ آيَةٍ نَزَلَتْ مِنَ الْقُرْآنِ: ﴿يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ﴾.

**[4153] 11 - (...)** Al-Barâ' bin 'Âzib said: "The last Verse to be revealed was the Verse of *Kalâlah*, and the last *Sûrah* to be revealed was *Barâ'ah* (i.e., *Sûrat At-Taubah*)"

**[٤١٥٣] ١١-(...) حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ قَالَ: سَمِعْتُ الْبَرَاءَ ابْنَ عَازِبٍ يَقُولُ: آخِرُ آيَةٍ أُنْزِلَتْ، آيَةُ الْكَلَالَةِ، وَآخِرُ سُورَةٍ أُنْزِلَتْ بَرَاءَةُ.

**[4154] 12 - (...)** It was narrated from Al-Barâ' that the last *Sûrah* to be revealed in full was *Sûrat At-Taubah* and the last Verse to be revealed was the Verse of *Kalâlah*.

**[٤١٥٤] ١٢-(...) حَدَّثَنَا** إِسْحَاقُ ابْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا عِيسَىٰ وَهُوَ ابْنُ يُونُسَ: حَدَّثَنَا زَكَرِيَّاءُ عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ؛ أَنَّ آخِرَ سُورَةٍ أُنْزِلَتْ

[1] *An-Nisâ'* 4:176.

تَامَّةً سُورَةُ التَّوْبَةِ، وَأَنَّ آخِرَ آيَةٍ أُنْزِلَتْ آيَةُ الْكَلَالَةِ.

**[4155] (...)** A similar report (as no. 4154) was narrated from Al-Barâ', except that he said: "The last *Sûrah* to be revealed completely."

[٤١٥٥] (...) حَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا يَحْيَىٰ يَعْنِي ابْنَ آدَمَ: حَدَّثَنَا عَمَّارٌ وَهُوَ ابْنُ رُزَيْقٍ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ بِمِثْلِهِ، غَيْرَ أَنَّهُ قَالَ: آخِرُ سُورَةٍ أُنْزِلَتْ كَامِلَةً.

**[4156] 13 - (...)** It was narrated that Al-Barâ' said: "The last Verse to be revealed was: 'They ask you for a legal verdict....'".[1]

[٤١٥٦] ١٣-(...) حَدَّثَنَا عَمْرٌو النَّاقِدُ: حَدَّثَنَا أَبُو أَحْمَدَ الزُّبَيْرِيُّ: حَدَّثَنَا مَالِكُ بْنُ مِغْوَلٍ عَنْ أَبِي السَّفَرِ، عَنِ الْبَرَاءِ قَالَ: آخِرُ آيَةٍ أُنْزِلَتْ ﴿يَسْتَفْتُونَكَ﴾.

## Chapter 4. Whoever Leaves Behind Wealth, It Is For His Heirs

(المعجم ٤) - (بَابُ من ترك مالًا فلورثته) (التحفة ٥)

**[4157] 14 - (1619)** It was narrated from Abû Hurairah that a deceased man who owed debts would be brought to the Messenger of Allâh ﷺ. He would ask: "Did he leave behind anything to pay off his debt?" If he was told that he had left behind something to pay off his debt, he would offer the funeral prayer for him, otherwise he would say: "Pray for your companion." When Allâh granted him conquests, he said: "I am closer to the believers than their own selves. Whoever dies owing a debt, I will repay it, and whoever

[٤١٥٧] ١٤-(١٦١٩) وحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا أَبُو صَفْوَانَ الْأُمَوِيُّ عَنْ يُونُسَ الْأَيْلِيِّ؛ وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَىٰ - وَاللَّفْظُ لَهُ - قَالَ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَٰنِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ كَانَ يُؤْتَىٰ بِالرَّجُلِ الْمَيِّتِ، عَلَيْهِ الدَّيْنُ، فَيَسْأَلُ: «هَلْ تَرَكَ لِدَيْنِهِ مِنْ

[1] *An-Nisâ'* 4:176.

قَضَاءٍ؟» فَإِنْ حُدِّثَ أَنَّهُ تَرَكَ وَفَاءً صَلَّىٰ عَلَيْهِ، وَإِلَّا قَالَ: «صَلُّوا عَلَىٰ صَاحِبِكُمْ»، وَلَمَّا فَتَحَ اللهُ عَلَيْهِ الْفُتُوحَ قَالَ: «أَنَا أَوْلَىٰ بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ، فَمَنْ تُوُفِّيَ وَعَلَيْهِ دَيْنٌ فَعَلَيَّ قَضَاؤُهُ، وَمَنْ تَرَكَ مَالًا فَهُوَ لِوَرَثَتِهِ».

leaves behind wealth, it is for his heirs."

[٤١٥٨] (. . .) **وَحَدَّثَنِي** عَبْدُ الْمَلِكِ ابْنُ شُعَيْبِ بْنِ اللَّيْثِ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي عُقَيْلٌ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا ابْنُ أَخِي ابْنِ شِهَابٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا ابْنُ أَبِي ذِئْبٍ، كُلُّهُمْ عَنِ الزُّهْرِيِّ، بِهَٰذَا الْإِسْنَادِ، هَٰذَا الْحَدِيثَ.

**[4158] (...)** This *Ḥadîth* (similar to no. 4157) was narrated from Az-Zuhrî with this chain.

[٤١٥٩] **١٥**-(. . .) **حَدَّثَنِي** مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا شَبَابَةُ قَالَ: حَدَّثَنِي وَرْقَاءُ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ! إِنْ عَلَىٰ الْأَرْضِ مِنْ مُؤْمِنٍ إِلَّا وَأَنَا أَوْلَى النَّاسِ بِهِ، فَأَيُّكُمْ مَا تَرَكَ دَيْنًا أَوْ ضَيَاعًا فَأَنَا مَوْلَاهُ، وَأَيُّكُمْ تَرَكَ مَالًا فَإِلَىٰ الْعَصَبَةِ مَنْ كَانَ».

**[4159] 15 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "By the One in Whose Hand is the soul of Muḥammad! There is no believer on earth but I am the closest of people to him. Whoever among you leaves behind a debt or destitute children, I will take care of them. And whoever among you leaves behind wealth, it is for his heirs, whoever they are."

[٤١٦٠] **١٦**-(. . .) **حَدَّثَنَا** مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا

**[4160] 16 - (...)** It was narrated that Hammâm bin Munabbih said: "This is what Abû Hurairah

narrated to us from the Messenger of Allâh ﷺ," and he mentioned a number of *Ahadîth*, including the following: "The Messenger of Allâh ﷺ said: 'I am the closest of people to the believers according to the Book of Allâh, the Mighty and Sublime. Whoever among you leaves behind a debt or destitute children, call me, and I will take care of them. Whoever among you leaves behind wealth, let his wealth be given to his heirs, whoever they are.'"

مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَٰذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ، فَذَكَرَ أَحَادِيثَ، مِنْهَا: وَقَالَ رَسُولُ اللهِ ﷺ: «أَنَا أَوْلَى النَّاسِ بِالْمُؤْمِنِينَ فِي كِتَابِ اللهِ عَزَّ وَجَلَّ، فَأَيُّكُمْ مَا تَرَكَ دَيْنًا أَوْ ضَيْعَةً فَادْعُونِي، فَأَنَا وَلِيُّهُ، وَأَيُّكُمْ مَا تَرَكَ مَالًا فَلْيُؤْثَرْ بِمَالِهِ عَصَبَتُهُ، مَنْ كَانَ».

**[4161] 17 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever leaves behind wealth, it is for his heirs, and whoever leaves behind children, it is for us (to take care of them)."

**[٤١٦١] ١٧-(...) حَدَّثَنَا** عُبَيْدُ اللهِ ابْنُ مُعَاذٍ الْعَنْبَرِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ عَدِيٍّ؛ أَنَّهُ سَمِعَ أَبَا حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «مَنْ تَرَكَ مَالًا فَلِلْوَرَثَةِ، وَمَنْ تَرَكَ كَلًّا فَإِلَيْنَا».

**[4162] (...)** Shu'bah narrated (a *Hadîth* similar to no. 4161) with this chain, except that in the *Hadîth* of Ghundar it says: "Whoever leaves behind children, I will take care of them."

**[٤١٦٢] (...) حَدَّثَنِيهِ** أَبُو بَكْرِ بْنُ نَافِعٍ الْعَبْدِيُّ: حَدَّثَنَا غُنْدَرٌ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ يَعْنِي ابْنَ مَهْدِيٍّ قَالَا: حَدَّثَنَا شُعْبَةُ بِهَٰذَا الْإِسْنَادِ، غَيْرَ أَنَّ فِي حَدِيثِ غُنْدَرٍ «فَمَنْ تَرَكَ كَلًّا وَلِيتُهُ».

# 24. The Book Of Gifts

# ٩ - (المعجم ٢٤) - كتاب الهبات (التحفة ١٤)

## Chapter 1. It Is Disliked For A Man To Buy What He Gave In Charity From The One To Whom He Gave It

## (المعجم ١) - (بَابُ كراهة شراء الإنسان ما تصدق به ممن تصدق عليه) (التحفة ١)

**[4163] 1 - (1620)** It was narrated from Zaid bin Aslam, from his father, that 'Umar bin Al-Khaṭṭâb said: "I donated a fine horse (to be ridden in *Jihâd*) in the cause of Allâh, and its owner neglected it. I thought that he would sell it for a cheap price, and I asked the Messenger of Allâh ﷺ about that. He said: 'Do not buy it, and do not take back your charity, for the one who takes back his charity is like the dog that returns to its vomit.'"

**[٤١٦٣] ١-(١٦٢٠) حَدَّثَنَا** عَبْدُ اللهِ ابْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا مَالِكُ بْنُ أَنَسٍ عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِيهِ؛ أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ: حَمَلْتُ عَلَىٰ فَرَسٍ عَتِيقٍ فِي سَبِيلِ اللهِ، فَأَضَاعَهُ صَاحِبُهُ، فَظَنَنْتُ أَنَّهُ بَائِعُهُ بِرُخْصٍ، فَسَأَلْتُ رَسُولَ اللهِ ﷺ عَنْ ذَلِكَ؟ فَقَالَ: «لَا تَبْتَعْهُ وَلَا تَعُدْ فِي صَدَقَتِكَ، فَإِنَّ الْعَائِدَ فِي صَدَقَتِهِ كَالْكَلْبِ يَعُودُ فِي قَيْئِهِ».

**[4164] (...)** It was narrated from Mâlik bin Anas (a *Ḥadîth* similar to no. 4163) with this chain, and he added: "Do not buy it even if he gives it to you for a Dirham."

**[٤١٦٤] (...) وَحَدَّثَنِيهِ** زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ يَعْنِي ابْنَ مَهْدِيٍّ؛ عَنْ مَالِكِ بْنِ أَنَسٍ بِهَٰذَا الْإِسْنَادِ، وَزَادَ: «لَا تَبْتَعْهُ وَإِنْ أَعْطَاكَهُ بِدِرْهَمٍ».

**[4165] 2 - (...)** It was narrated from 'Umar that he donated a horse (to be ridden in *Jihâd*) in the cause of Allâh, and he found it with its owner who had

**[٤١٦٥] ٢-(...) حَدَّثَنِي** أُمَيَّةُ بْنُ بِسْطَامٍ: حَدَّثَنَا يَزِيدُ يَعْنِي ابْنَ زُرَيْعٍ: حَدَّثَنَا رَوْحٌ وَهُوَ ابْنُ الْقَاسِمِ، عَنْ زَيْدِ

neglected it. He was of poor means and 'Umar wanted to buy it, so he went to the Messenger of Allâh ﷺ and told him about that. He said: "Do not buy it, even if he gives it to you for a Dirham, for the likeness of the one who takes back his charity is that of the dog who returns to his vomit."

ابْنِ أَسْلَمَ، عَنْ أَبِيهِ، عَنْ عُمَرَ؛ أَنَّهُ حَمَلَ عَلَىٰ فَرَسٍ فِي سَبِيلِ اللهِ، فَوَجَدَهُ عِنْدَ صَاحِبِهِ وَقَدْ أَضَاعَهُ، وَكَانَ قَلِيلَ الْمَالِ، فَأَرَادَ أَنْ يَشْتَرِيَهُ، فَأَتَىٰ رَسُولَ اللهِ ﷺ فَذَكَرَ ذَٰلِكَ لَهُ فَقَالَ: «لَا تَشْتَرِهِ، وَإِنْ أُعْطِيتَهُ بِدِرْهَمٍ، فَإِنَّ مَثَلَ الْعَائِدِ فِي صَدَقَتِهِ، كَمَثَلِ الْكَلْبِ يَعُودُ فِي قَيْئِهِ».

**[4166] (...)** It was narrated from Ibn Abî 'Umar that Sufyân narrated from Zaid bin Aslam (a *Hadîth* similar to no. 4165), but the *Hadîth* of Mâlik (no. 4163) and Rawh (no. 4165) is more complete and in detail.

**[٤١٦٦] (...) وحَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ زَيْدِ بْنِ أَسْلَمَ بِهَٰذَا الْإِسْنَادِ، غَيْرَ أَنَّ حَدِيثَ مَالِكٍ وَرَوْحٍ أَتَمُّ وَأَكْثَرُ.

**[4167] 3 - (1621)** It was narrated from Ibn 'Umar that 'Umar bin Al-Khattâb donated a horse (to be ridden in *Jihâd*) in the cause of Allâh, and he found it offered for sale. He wanted to buy it, and he asked the Messenger of Allâh ﷺ about that. He said: "Do not buy it; do not take back your charity."

**[٤١٦٧] ٣-(١٦٢١) وَحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ عُمَرَ بْنَ الْخَطَّابِ حَمَلَ عَلَىٰ فَرَسٍ فِي سَبِيلِ اللهِ، فَوَجَدَهُ يُبَاعُ، فَأَرَادَ أَنْ يَبْتَاعَهُ، فَسَأَلَ رَسُولَ اللهِ ﷺ عَنْ ذَٰلِكَ؟ فَقَالَ: «لَا تَبْتَعْهُ، وَلَا تَعُدْ فِي صَدَقَتِكَ».

**[4168] (...)** A *Hadîth* like that of Mâlik (no. 4167) was narrated from Ibn 'Umar, from the Prophet ﷺ.

**[٤١٦٨] (...) وحَدَّثَنَاهُ** قُتَيْبَةُ [بْنُ سَعِيدٍ] وَابْنُ رُمْحٍ، جَمِيعًا عَنِ اللَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا الْمُقَدَّمِيُّ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ قَالَا: حَدَّثَنَا يَحْيَىٰ وَهُو الْقَطَّانُ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ قال: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو

أُسَامَةَ، كُلُّهُمْ عنْ عُبَيْدِ اللهِ، ... ما عَنْ نافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ مالِكٍ.

**[4169] 4 - (...)** It was narrated from Ibn 'Umar that 'Umar donated a horse (to be ridden in *Jihâd*) in the cause of Allâh, then he saw it being offered for sale and he wanted to buy it. He asked the Prophet ﷺ. The Messenger of Allâh ﷺ said: "Do not take back your charity, O 'Umar."

[٤١٦٩] **٤-(...) حَدَّثنا** ابْنُ أَبِي عُمَرَ وعَبْدُ بْنُ حُمَيْدٍ - وَاللَّفْظُ لِعَبْدٍ - قالَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عنِ ابْنِ عمَرَ؛ أَنَّ عُمَرَ حَمَلَ عَلَىٰ فَرَسٍ فِي سَبِيلِ اللهِ. ثُمَّ رَآهَا تُبَاعُ فَأَرَادَ أَنْ يَشْتَرِيَهَا. فسَأَلَ النَّبِيَّ ﷺ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «لَا تَعُدْ فِي صَدَقَتِكَ، يَا عُمَرُ؟».

## Chapter 2. The Prohibition Of Taking Back One's Charity After It Has Been Accepted, Except In The Case Of What A Father Gives To A Son Or Grandson

## (المعجم ٢) - (بَابُ تحريم الرجوع في الصدقة بعد القبض إلا ما وهبه لولده وإن سفل) (التحفة ٢)

**[4170] 5 - (1622)** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "The likeness of the one who takes back his charity is that of a dog which vomits then returns to its vomit to eat it."

[٤١٧٠] **٥-(١٦٢٢) حَدَّثني** إِبْرَاهِيمُ ابْنُ مُوسَى الرَّازِيُّ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ قَالَا: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنْ أَبِي جَعْفَرٍ مُحَمَّدِ بْنِ عَلِيٍّ، عَنِ ابْنِ الْمُسَيَّبِ، عَنِ ابْنِ عَبَّاسٍ؛ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَثَلُ الَّذِي يَرْجِعُ فِي صَدَقَتِهِ، كَمَثَلِ الْكَلْبِ يَقِيءُ ثُمَّ يَعُودُ فِي قَيْئِهِ، فَيَأْكُلُهُ».

**[4171] (...)** Muḥammad bin 'Alî bin Al-Ḥuṣain mentioned a similar report (as *Ḥadîth* no. 4170) with this chain.

[٤١٧١] (...) **وحَدَّثناه** أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: أَخْبَرَنَا ابْنُ الْمُبَارَكِ عَنِ

الْأَوْزَاعِيِّ قَالَ: سَمِعْتُ مُحَمَّدَ بْنَ عَلِيِّ بْنِ الْحُسَيْنِ يَذْكُرُ بِهَٰذَا الإِسْنَادِ، نَحْوَهُ.

**[4172]** (...) 'Abdur-Raḥmân bin 'Amr narrated that Muḥammad,[1] the son of Fâṭimah, the daughter of the Messenger of Allâh ﷺ, narrated a similar *Hadîth* (as no. 4170) with this chain.

[٤١٧٢] (...) **وَحَدَّثَنِي** حَجَّاجُ بْنُ الشَّاعِرِ: حَدَّثَنَا عَبْدُ الصَّمَدِ: حَدَّثَنَا حَرْبٌ: حَدَّثَنِي يَحْيَىٰ وَهُوَ ابْنُ أَبِي كَثِيرٍ: حَدَّثَنِي عَبْدُ الرَّحْمَٰنِ بْنُ عَمْرٍو؛ أَنَّ مُحَمَّدًا ابْنَ فَاطِمَةَ بِنْتِ رَسُولِ اللهِ ﷺ حَدَّثَهُ، بِهَٰذَا الْإِسْنَادِ، نَحْوَ حَدِيثِهِمْ.

**[4173] 6 - (...)** Sa'eed bin Al-Mûsâyyab said: "I heard Ibn 'Abbâs say: 'I heard the Messenger of Allâh ﷺ say: "The likeness of the one who gives charity then takes his charity back is that of a dog which vomits, then eats its vomit."

[٤١٧٣] ٦-(...) **وحَدَّثَنِي** هَٰرُونُ ابْنُ سَعِيدٍ الْأَيْلِيُّ وَأَحْمَدُ بْنُ عِيسَىٰ قَالَا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرٌو وَهُوَ ابْنُ الحَارِثِ عَنْ بُكَيْرٍ؛ أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيَّبِ يَقُولُ: سَمِعْتُ ابْنَ عَبَّاسٍ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «إِنَّمَا مَثَلُ الَّذِي يَتَصَدَّقُ بِصَدَقَةٍ ثُمَّ يَعُودُ فِي صَدَقَتِهِ، كَمَثَلِ الْكَلْبِ يَقِيءُ ثُمَّ يَأْكُلُ قَيْئَهُ».

**[4174] 7 - (...)** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "The one who takes back his gift is like the one who returns to his vomit."

[٤١٧٤] ٧-(...) **وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَمُحَمَّدُ بْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ: سَمِعْتُ قَتَادَةَ يُحَدِّثُ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «الْعَائِدُ فِي هِبَتِهِ كَالْعَائِدِ فِي قَيْئِهِ».

**[4175]** (...) A similar report (as no. 4174) was narrated from Qatâdah with this chain.

[٤١٧٥] (...) **وحَدَّثَنَاه** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ.

[1] He is Muḥammad bin Alî bin Al-Ḥussain the great grandson of Fâṭimah ﷺ.

[4176] 8 - (...) It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ said: "The one who takes back his gift is like the dog that vomits then returns to its vomit."

[٤١٧٦] ٨-(...) وحَدَّثنا إِسْحٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا الْمَخْزُومِيُّ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا عَبْدُ اللهِ بْنُ طَاوُسٍ عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «الْعَائِدُ فِي هِبَتِهِ كَالْكَلْبِ، يَقِيءُ ثُمَّ يَعُودُ فِي قَيْئِهِ».

## Chapter 3. It Is Disliked To Favor Some Of One's Children Over Others In Gift-Giving

## (المعجم ٣) - (بَابُ كراهة تفضيل بعض الأولاد في الهبة) (التحفة ٣)

[4177] 9 - (1623) It was narrated that An-Nu'mân bin Bashîr said that his father brought him to the Messenger of Allâh ﷺ and said: "I have given this son of mine a slave that belonged to me. The Messenger of Allâh ﷺ said: 'Have you given a similar gift to all your children?' He said: 'No.' The Messenger of Allâh ﷺ said: 'Then take it back.'"

[٤١٧٧] ٩-(١٦٢٣) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمٰنِ وَعَنْ مُحَمَّدِ بْنِ النُّعْمَانِ بْنِ بَشِيرٍ يُحَدِّثَانِهِ عَنِ النُّعْمَانِ بْنِ بَشِيرٍ أَنَّهُ قَالَ: إِنَّ أَبَاهُ أَتَىٰ بِهِ رَسُولَ اللهِ ﷺ فَقَالَ: إِنِّي نَحَلْتُ ابْنِي هٰذَا غُلَامًا كَانَ لِي، فَقَالَ رَسُولُ اللهِ ﷺ: «أَكُلَّ وَلَدِكَ نَحَلْتَهُ مِثْلَ هٰذَا؟» فَقَالَ: لَا، فَقَالَ رَسُولُ اللهِ ﷺ: «فَارْجِعْهُ».

[4178] 10 - (...) It was narrated that An-Nu'mân bin Bashîr said: "My father brought me to the Messenger of Allâh ﷺ and said: 'I have given this son of mine a slave.' He said: 'Have you given a gift to all your children?' He said: 'No.' He said: 'Then take him (the slave) back.'"

[٤١٧٨] ١٠-(...) وحَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ: أَخْبَرَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمٰنِ وَمُحَمَّدِ بْنِ النُّعْمَانِ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ قَالَ: أَتَىٰ بِي أَبِي إِلَىٰ رَسُولِ اللهِ ﷺ فَقَالَ: إِنِّي نَحَلْتُ ابْنِي هٰذَا

غُلَامًا، فَقَالَ: «أَكُلَّ بَنِيكَ نَحَلْتَ؟» قَالَ: لَا، قَالَ: «فَارْدُدْهُ».

[4179] 11 - (...) It was narrated from Az-Zuhrî with this chain (a *Hadîth* similar to no. 4178).

[٤١٧٩] ١١-(...) [و]حَدَّثَنَاهُ أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، عَنِ ابْنِ عُيَيْنَةَ؛ وَحَدَّثَنَا قُتَيْبَةُ وَابْنُ رُمْحٍ عَنِ اللَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِى إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ، أَمَّا يُونُسُ وَمَعْمَرٌ فَفِي حَدِيثِهِمَا «أَكُلَّ بَنِيكَ» وَفِي حَدِيثِ اللَّيْثِ وَابْنِ عُيَيْنَةَ: «أَكُلَّ وَلَدِكَ» وَرِوَايَةُ اللَّيْثِ عَنْ مُحَمَّدِ بْنِ النُّعْمَانِ وَحُمَيْدِ بْنِ عَبْدِ الرَّحْمَٰنِ: أَنَّ بَشِيرًا جَاءَ بِالنُّعْمَانِ.

[4180] 12 - (...) It was narrated from Hishâm bin 'Urwah that his father said: "An-Nu'mân bin Bashîr told us that his father gave him a slave, and the Prophet ﷺ said to him: 'What is this slave?' He said: 'My father gave him to me.' He ﷺ said (to my father): 'Did you give to all his brothers what you gave to this one?' He said: 'No.' He said: 'Then take him back.'"

[٤١٨٠] ١٢-(...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا جَرِيرٌ عَنْ هِشَامِ ابْنِ عُرْوَةَ، عَنْ أَبِيهِ، قَالَ: حَدَّثَنَا النُّعْمَانُ بْنُ بَشِيرٍ قَالَ: وَقَدْ أَعْطَاهُ أَبُوهُ غُلَامًا، فَقَالَ لَهُ النَّبِيُّ ﷺ: «مَا هَٰذَا الْغُلَامُ؟» قَالَ: أَعْطَانِيهِ أَبِي قَالَ: «فَكُلَّ إِخْوَتِهِ أَعْطَيْتَهُ كَمَا أَعْطَيْتَ هَٰذَا؟» قَالَ: لَا، قَالَ: «فَرُدَّهُ».

**[4181] 13 - (...)** It was narrated that An-Nu'mân bin Bashîr said: "My father gave me some of his wealth and my mother, 'Amrah bint Rawâhah, said: 'I will not approve until you ask the Messenger of Allâh ﷺ to bear witness.' So my father went to the Prophet ﷺ to ask him to bear witness to my gift. The Messenger of Allâh ﷺ said to him: 'Have you done this for all your children?' He said: 'No.' He said: 'Fear Allâh and treat your children fairly.' My father came back and took back the gift."

[٤١٨١] **١٣**-(. . .) **حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبَّادُ بْنُ الْعَوَّامِ، عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ قَالَ: سَمِعْتُ النُّعْمَانَ بْنَ بَشِيرٍ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ - وَاللَّفْظُ لَهُ - أَخْبَرَنَا أَبُو الْأَحْوَصِ عَنْ حُصَيْنٍ، عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ قَالَ: تَصَدَّقَ عَلَيَّ أَبِي بِبَعْضِ مَالِهِ فَقَالَتْ أُمِّي عَمْرَةُ بِنْتُ رَوَاحَةَ: لَا أَرْضَىٰ حَتَّىٰ تُشْهِدَ رَسُولَ اللهِ ﷺ، فَانْطَلَقَ أَبِي إِلَى النَّبِيِّ ﷺ لِيُشْهِدَهُ عَلَىٰ صَدَقَتِي، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «أَفَعَلْتَ هٰذَا بِوَلَدِكَ كُلِّهِمْ؟» قَالَ: لَا، قَالَ: «اتَّقُوا اللهَ وَاعْدِلُوا فِي أَوْلَادِكُمْ» فَرَجَعَ أَبِي، فَرَدَّ تِلْكَ الصَّدَقَةَ.

**[4182] 14 - (...)** An-Nu'mân bin Bashîr narrated that his mother, the daughter of Rawâḥah, asked his father to give a gift to her son, and he kept delaying it for a year, then he decided to do that. She said: "I will not approve until you ask the Messenger of Allâh ﷺ to bear witness to what you have given to my son." So my father took me by the hand, and I was a young boy at that time. He went to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, the mother of this boy, the daughter of Rawâḥah, would like you to bear witness to that which

[٤١٨٢] **١٤**-(. . .) **حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ أَبِي حَيَّانَ، عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيرٍ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ: حَدَّثَنَا أَبُو حَيَّانَ التَّيْمِيُّ عَنِ الشَّعْبِيِّ: حَدَّثَنِي النُّعْمَانُ بْنُ بَشِيرٍ؛ أَنَّ أُمَّهُ بِنْتَ رَوَاحَةَ سَأَلَتْ أَبَاهُ بَعْضَ الْمَوْهُوبَةِ مِنْ مَالِهِ لِابْنِهَا، فَالْتَوَىٰ بِهَا سَنَةً، ثُمَّ بَدَا لَهُ، فَقَالَتْ: لَا أَرْضَىٰ حَتَّىٰ تُشْهِدَ رَسُولَ

I have given to her son." The Messenger of Allâh ﷺ said: "O Bashîr, do you have any other children?" He said: "Yes." He said: "Have you given to all of them like you have given to this one?" He said: "No." He said: "Then do not ask me to bear witness for I will not bear witness to injustice."

اللهِ ﷺ عَلَىٰ مَا وَهَبْتَ لابْنِي، فَأَخَذَ أَبِي بِيَدِي، وَأَنَا يَوْمَئِذٍ غُلَامٌ، فَأَتَىٰ رَسُولَ اللهِ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ أُمَّ هٰذَا، بِنْتَ رَوَاحَةَ، أَعْجَبَهَا أَنْ أُشْهِدَكَ عَلَىٰ الَّذِي وَهَبْتُ لِابْنِهَا، فَقَالَ رَسُولُ اللهِ ﷺ: «يَا بَشِيرُ أَلَكَ وَلَدٌ سِوَىٰ هٰذَا؟» قَالَ: نَعَمْ، قَالَ: «أَكُلَّهُمْ وَهَبْتَ لَهُ مِثْلَ هٰذَا؟» قَالَ: لَا، قَالَ: «فَلَا تُشْهِدْنِي إِذًا فَإِنِّي لَا أَشْهَدُ عَلَىٰ جَوْرٍ».

**[4183] 15 - (...)** It was narrated from An-Nu'mân bin Bashîr that the Messenger of Allâh ﷺ said: "Do you have any other sons besides him?" He said: "Yes." He said: "Have you given to all of them like you have given to this one?" He said: "No." He said: "I will not bear witness to injustice."

**[٤١٨٣] ١٥-(...)** **حَدَّثَنَا** ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا إِسْمَاعِيلُ عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أَلَكَ بَنُونَ سِوَاهُ؟» قَالَ: نَعَمْ: قَالَ «فَكُلَّهُمْ أَعْطَيْتَ مِثْلَ هٰذَا؟» قَالَ: لَا. قَالَ: «فَلَا أَشْهَدُ عَلَىٰ جَوْرٍ».

**[4184] 16 - (...)** It was narrated from An-Nu'mân bin Bashîr that the Messenger of Allâh ﷺ said to his father: "Do not ask me to bear witness to injustice."

**[٤١٨٤] ١٦-(...)** **حَدَّثَنَا** إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ عَنْ عَاصِمٍ الْأَحْوَلِ عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ لأَبِيهِ «لَا تُشْهِدْنِي عَلَىٰ جَوْرٍ».

**[4185] 17 - (...)** It was narrated that An-Nu'mân bin Bashîr said: "My father took me to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, bear witness that I have given to this

**[٤١٨٥] ١٧-(...)** **حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْوَهَّابِ وَعَبْدُ الْأَعْلَىٰ؛ وَحَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَيَعْقُوبُ الدَّوْرَقِيُّ، جَمِيعًا عَنِ ابْنِ عُلَيَّةَ

son of mine such and such of my wealth.' He said: 'Have you given to all your sons the like of what you have given to An-Nu'mân?' He said: 'No.' He said: 'Then ask someone else to bear witness to this.' Then he said: 'Would you not like them all to honor you equally?' He said: 'Of course.' He said: 'Then do not do it.'"

- وَاللَّفْظُ لِيَعْقُوبَ - قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ دَاوُدَ بْنِ أَبِي هِنْدٍ، عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ قَالَ: انْطَلَقَ بِي أَبِي يَحْمِلُنِي إِلَىٰ رَسُولِ اللهِ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! اشْهَدْ أَنِّي قَدْ نَحَلْتُ النُّعْمَانَ كَذَا وَكَذَا مِنْ مَالِي، فَقَالَ: «أَكُلَّ بَنِيكَ قَدْ نَحَلْتَ مِثْلَ مَا نَحَلْتَ النُّعْمَانَ؟» قَالَ: لَا، قَالَ: «فَأَشْهِدْ عَلَىٰ هٰذَا غَيْرِي»، ثُمَّ قَالَ: «أَيَسُرُّكَ أَنْ يَكُونُوا إِلَيْكَ فِي الْبِرِّ سَوَاءً؟» قَالَ: بَلَىٰ، قَالَ: «فَلَا، إِذًا».

**[4186] 18 - (...)** It was narrated that An-Nu'mân bin Bashîr said: "My father gave me a gift, then he brought me to the Messenger of Allâh ﷺ to bear witness to it. He said: 'Have you given this to all of your children?' He said: 'No.' He said: 'Would you not like them all to honor you as you want this one to?' He said: 'Of course.' He said: 'Then I will not bear witness.'"

Ibn 'Awn said: "I narrated it to Muhammad and he said: 'I was told that he (ﷺ) said: "Treat your children similarly."

**[٤١٨٦] ١٨-(...)** حَدَّثَنَا أَحْمَدُ ابْنُ عُثْمَانَ النَّوْفَلِيُّ: حَدَّثَنَا أَزْهَرُ: حَدَّثَنَا ابْنُ عَوْنٍ عَنِ الشَّعْبِيِّ، عَنِ النُّعْمَانِ بْنِ بَشِيرٍ قَالَ: نَحَلَنِي أَبِي نُحْلًا، ثُمَّ أَتَىٰ بِي رَسُولَ اللهِ ﷺ لِيُشْهِدَهُ، فَقَالَ «أَكُلَّ وَلَدِكَ أَعْطَيْتَهُ هٰذَا؟» قَالَ: لَا. قَالَ: «أَلَيْسَ تُرِيدُ مِنْهُمُ الْبِرَّ مِثْلَ مَا تُرِيدُ مِنْ ذَا؟» قَالَ: بَلَىٰ. قَالَ: «فَإِنِّي لَا أَشْهَدُ».

قَالَ ابْنُ عَوْنٍ: فَحَدَّثْتُ بِهِ مُحَمَّدًا فَقَالَ: إِنَّمَا حُدِّثْتُ أَنَّهُ قَالَ: «قَارِبُوا بَيْنَ أَبْنَائِكُمْ».

**[4187] 19 - (1624)** It was narrated that Jâbir said: "The wife of Bashîr said: 'Give your

**[٤١٨٧] ١٩-(١٦٢٤)** حَدَّثَنَا أَحْمَدُ ابْنُ عَبْدِ اللهِ بْنِ يُونُسَ: حَدَّثَنَا زُهَيْرٌ:

slave to my son, and ask the Messenger of Allâh ﷺ to bear witness for me.' So he went to the Messenger of Allâh ﷺ and said: 'The daughter of so-and-so asked me to give my slave to her son, and she said: "Ask the Messenger of Allâh ﷺ to bear witness for me."' He said: 'Does he have any brothers?' He said: 'Yes.' He said: 'Have you given to all of them something like that which you have given to him?' He said: 'No.' He said: 'This is not right. I will not bear witness to anything but that which is right and proper.'"

حَدَّثَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: قَالَتِ امْرَأَةُ بَشِيرٍ: انْحَلِ ابْنِي غُلَامَكَ، وَأَشْهِدْ لِي رَسُولَ اللهِ ﷺ، فَأَتَى رَسُولَ اللهِ ﷺ فَقَالَ: إِنَّ ابْنَةَ فُلَانٍ سَأَلَتْنِي أَنْ أَنْحَلَ ابْنَهَا غُلَامِي، وَقَالَتْ: أَشْهِدْ لِي رَسُولَ اللهِ ﷺ، فَقَالَ: «أَلَهُ إِخْوَةٌ؟» قَالَ نَعَمْ، قَالَ: «أَفَكُلَّهُمْ أَعْطَيْتَ مِثْلَ مَا أَعْطَيْتَهُ؟» قَالَ: لَا. قَالَ: «فَلَيْسَ يَصْلُحُ هٰذَا، وَإِنِّي لَا أَشْهَدُ إِلَّا عَلَىٰ حَقٍّ».

## Chapter 4. The *'Umrâ* (Lifelong Gift)

## (المعجم ٤) - (بَابُ العمرىٰ)
(التحفة ٤)

**[4188] 20 - (1625)** It was narrated from Jâbir bin 'Abdullâh that the Messenger of Allâh ﷺ said: "Any man who is given a gift for life, it belongs to him and his heirs. It belongs to the one to whom it is given, and does not go back to the one who gave it, because he has given it in such a way that it is subject to the rules of inheritance."

**[٤١٨٨] ٢٠-(١٦٢٥)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَٰنِ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أَيُّمَا رَجُلٍ أُعْمِرَ عُمْرَىٰ لَهُ وَلِعَقِبِهِ، فَإِنَّهَا لِلَّذِي أُعْطِيَهَا، لَا تَرْجِعُ إِلَى الَّذِي أَعْطَاهَا، لِأَنَّهُ أَعْطَىٰ عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ».

**[4189] 21 - (...)** It was narrated that Jâbir bin 'Abdullâh said: "I heard the Messenger of Allâh ﷺ say: 'Whoever gives a man a gift for life, it belongs to him and his

**[٤١٨٩] ٢١-(...)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ وَمُحَمَّدُ بْنُ رُمْحٍ قَالَا: أَخْبَرَنَا اللَّيْثُ، وَحَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا لَيْثٌ عَنِ

children. His words ended his right to it and it belongs to the one to whom it was given for life and to his heirs.'"

Yaḥyâ said at the beginning of his *Ḥadîth*: "Any man who is given a gift for life, it belongs to him and his children."

ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ ابْنِ عَبْدِ اللهِ؛ أَنَّهُ قَالَ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ أَعْمَرَ رَجُلًا عُمْرَىٰ لَهُ وَلِعَقِبِهِ، فَقَدْ قَطَعَ قَوْلُهُ حَقَّهُ فِيهَا، وَهِيَ لِمَنْ أُعْمِرَ وَلِعَقِبِهِ».

غَيْرَ أَنَّ يَحْيَىٰ قَالَ فِي أَوَّلِ حَدِيثِهِ: «أَيُّمَا رَجُلٍ أُعْمِرَ عُمْرَىٰ، فَهِيَ لَهُ وَلِعَقِبِهِ».

**[4190] 22 - (...)** Jâbir bin 'Abdullâh Al-Anṣârî narrated that the Messenger of Allâh ﷺ said: "Any man who gives a man a gift for life, it belongs to him (the latter) and to his heirs." He said:[1] "I have given it to you and your heirs so long as any one of you is still alive, then it belongs to the one to whom it was given, and it does not go back to the giver because he has given it in such a way that it is subject to the rules of inheritance."

**[٤١٩٠] ٢٢-(...) حَدَّثَنِي** عَبْدُ الرَّحْمَٰنِ بْنُ بِشْرٍ الْعَبْدِيُّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي ابْنُ شِهَابٍ عَنِ الْعُمْرَىٰ وَسُنَّتِهَا، عَنْ حَدِيثِ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَٰنِ؛ أَنَّ جَابِرَ بْنَ عَبْدِ اللهِ الْأَنْصَارِيَّ أَخْبَرَهُ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «أَيُّما رَجُلٍ أَعْمَرَ رَجُلًا عُمْرَىٰ لَهُ وَلِعَقِبِهِ»، فَقَالَ: قَدْ أَعْطَيْتُكَهَا وَعَقِبَكَ مَا بَقِيَ مِنْكُمْ أَحَدٌ، فَإِنَّهَا لِمَنْ أُعْطِيَهَا، وَإِنَّهَا لَا تَرْجِعُ إِلَىٰ صَاحِبِهَا، مِنْ أَجْلِ أَنَّهُ أَعْطَىٰ عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ».

**[4191] 23 - (...)** It was narrated that Jâbir said: "The kind of gift for life that the Messenger of

**[٤١٩١] ٢٣-(...) حَدَّثَنَا** إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ - وَاللَّفْظُ

[1] This could be part of the *Ḥadîth* as it appears to be in the narration of it with this chain recorded by Aḥmad (3:399). Or, it could be an explanation of Abû Salamah as it appears in no. 4192.

Allâh ﷺ allowed is only when a person says: 'It is for you and your children.' But if he says it is yours as long as you live, then it goes back to its owner."

Ma'mar said: "Az-Zuhrî used to issue *Fatwas* to that effect."

لِعَبْدٍ - قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرٍ قَالَ: إِنَّمَا الْعُمْرَىٰ الَّتِي أَجَازَ رَسُولُ اللهِ ﷺ، أَنْ يَقُولَ: هِيَ لَكَ وَلِعَقِبِكَ، فَأَمَّا إِذَا قَالَ: هِيَ لَكَ مَا عِشْتَ، فَإِنَّهَا تَرْجِعُ إِلَىٰ صَاحِبِهَا،

قَالَ مَعْمَرٌ: وَكَانَ الزُّهْرِيُّ يُفْتِي بِهِ.

**[4192] 24 - (...)** It was narrated from Jâbir, who is (Jâbir) bin 'Abdullâh, that the Messenger of Allâh ﷺ ruled concerning one who is given a gift for life that it belongs to him and his children, and it belongs to him absolutely, and it is not permissible for the giver to stipulate any conditions or make any exceptions.

Abû Salamah said: "Because he has given it in such a way that it is subject to the rules of inheritance, therefore any conditions that he may stipulate are overruled by the rules of inheritance."

**[٤١٩٢] ٢٤-(...) حَدَّثَنَا** مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ عَنِ ابْنِ أَبِي ذِئْبٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ ابْنِ عَبْدِ الرَّحْمَٰنِ، عَنْ جَابِرٍ وَهُوَ ابْنُ عَبْدِ اللهِ؛ أَنَّ رَسُولَ اللهِ ﷺ قَضَىٰ فِيمَنْ أُعْمِرَ عُمْرَىٰ لَهُ وَلِعَقِبِهِ، فَهِيَ لَهُ بَتْلَةً، لَا يَجُوزُ لِلْمُعْطِي فِيهَا شَرْطٌ وَلَا ثُنْيَا.

قَالَ أَبُو سَلَمَةَ: لِأَنَّهُ أَعْطَىٰ عَطَاءً وَقَعَتْ فِيهِ الْمَوَارِيثُ، فَقَطَعَتِ الْمَوَارِيثُ شَرْطَهُ.

**[4193] 25 - (...)** Jâbir bin 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'A gift for life belongs to the one to whom it is given.'"

**[٤١٩٣] ٢٥-(...) حَدَّثَنَا** عُبَيْدُ اللهِ ابْنُ عُمَرَ الْقَوَارِيرِيُّ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ: حَدَّثَنَا هِشَامٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنِي أَبُو سَلَمَةَ ابْنُ عَبْدِ الرَّحْمَٰنِ قَالَ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ «الْعُمْرَىٰ لِمَنْ وُهِبَتْ لَهُ».

**[4194] (...)** It was narrated from

**[٤١٩٤] (...) وحَدَّثَنَاه** مُحَمَّدُ بْنُ

Jâbir bin 'Abdullâh that the Prophet of Allâh ﷺ said... a similar report (as no. 4194).

الْمُثَنَّىٰ: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنَا أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَٰنِ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ، أَنَّ نَبِيَّ اللهِ ﷺ قَالَ. بِمِثْلِهِ.

**[4195] (...)** It was narrated from Jâbir who attributed it to the Prophet ﷺ (a *Ḥadîth* similar to no. 4194).

[٤١٩٥] (...) **حَدَّثَنَا** أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا أَبُو الزُّبَيْرِ، عَنْ جَابِرٍ يَرْفَعُهُ إِلَى النَّبِيِّ ﷺ؛

**[4196] 26 - (...)** It was narrated that Jâbir said: "The Messenger of Allâh ﷺ said: 'Keep your wealth and do not squander it, for whoever gives a gift for life, it belongs to the one to whom it was given, during his lifetime and after his death, and to his children.'"

[٤١٩٦] ٢٦-(...) **وحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ- وَاللَّفْظُ لَهُ -: أَخْبَرَنَا أَبُو خَيْثَمَةَ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «أَمْسِكُوا عَلَيْكُمْ أَمْوَالَكُمْ وَلَا تُفْسِدُوهَا، فَإِنَّهُ مَنْ أَعْمَرَ عُمْرَىٰ فَهِيَ لِلَّذِي أُعْمِرَهَا، حَيًّا وَمَيِّتًا وَلِعَقِبِهِ».

**[4197] 27 - (...)** A *Ḥadîth* like that of Abû Khaithamah (no. 4196) was narrated from Jâbir from the Prophet ﷺ. In the *Ḥadîth* of Ayyûb it adds: "The *Anṣâr* started to give gifts for life to the *Muhâjirîn*, and the Messenger of Allâh ﷺ said: 'Keep your wealth.'"

[٤١٩٧] ٢٧-(...) **حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ: حَدَّثَنَا حَجَّاجُ بْنُ أَبِي عُثْمَانَ، وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ عَنْ وَكِيعٍ، عَنْ سُفْيَانَ؛ وَحَدَّثَنَا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنِي أَبِي عَنْ جَدِّي، عَنْ أَيُّوبَ، كُلُّ هَٰؤُلَاءِ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ بِمَعْنَىٰ حَدِيثِ أَبِي خَيْثَمَةَ، وَفِي حَدِيثِ أَيُّوبَ مِنَ الزِّيَادَةِ قَالَ: جَعَلَ الْأَنْصَارُ يُعْمِرُونَ الْمُهَاجِرِينَ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَمْسِكُوا عَلَيْكُمْ أَمْوَالَكُمْ».

[٤١٩٨] ٢٨-(. . .) حَدَّثَنِي مُحَمَّدُ ابْنُ رَافِعٍ وَإِسْحَٰقُ بْنُ مَنْصُورٍ - وَاللَّفْظُ لِابْنِ رَافِعٍ - قَالَا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: أَعْمَرَتِ امْرَأَةٌ بِالْمَدِينَةِ حَائِطًا لَهَا ابْنًا لَهَا، ثُمَّ تُوُفِّيَ، وَتُوُفِّيَتْ بَعْدَهُ، وَتَرَكَ وَلَدًا، وَلَهُ إِخْوَةٌ بَنُونَ لِلْمُعْمِرَةِ، فَقَالَ وَلَدُ الْمُعْمِرَةِ: رَجَعَ الْحَائِطُ إِلَيْنَا، وَقَالَ بَنُو الْمُعْمَرِ: بَلْ كَانَ لِأَبِينَا حَيَاتَهُ وَمَوْتَهُ، فَاخْتَصَمُوا إِلَىٰ طَارِقٍ مَوْلَىٰ عُثْمَانَ، فَدَعَا جَابِرًا فَشَهِدَ عَلَىٰ رَسُولِ اللهِ ﷺ بِالْعُمْرَىٰ لِصَاحِبِهَا، فَقَضَىٰ بِذَٰلِكَ طَارِقٌ، ثُمَّ كَتَبَ إِلَىٰ عَبْدِ الْمَلِكِ فَأَخْبَرَهُ بِذَٰلِكَ، وَأَخْبَرَهُ بِشَهَادَةِ جَابِرٍ، فَقَالَ عَبْدُ الْمَلِكِ: صَدَقَ جَابِرٌ، فَأَمْضَىٰ ذَٰلِكَ طَارِقٌ، فَإِنَّ ذَٰلِكَ الْحَائِطَ لِبَنِي الْمُعْمَرِ حَتَّى الْيَوْمِ.

**[4198] 28 - (...)** It was narrated from Abû Az-Zubair, that Jâbir said: "A woman in Al-Madînah gave a garden of hers as a gift for life to a son of hers, then he died and she died after him, and he left behind a son, but he also had brothers who were the sons of the woman who had given the gift for life. The children of the woman who had given the gift said: 'The garden should come back to us.' But the sons of the one to whom it had been given said: 'No, it belonged to our father in life and in death.' They referred the dispute to Ṭâriq, the freed slave of 'Uthmân, and he called Jâbir, who bore witness that the Messenger of Allâh ﷺ had said, that a gift for life belonged to the one to whom it was given. Ṭâriq ruled on that basis, then he wrote to 'Abdul-Malik and told him about that, and he told him of Jâbir's testimony. 'Abdul-Malik said: 'Jâbir spoke the truth.' So Ṭâriq issued a ruling on that basis, and that garden still belongs to the descendents of the one to whom it was given for life, to this day."

[٤١٩٩] ٢٩-(. . .) حَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَ إِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ أَبُو بَكْرٍ: حَدَّثَنَا - سُفْيَانُ ابْنُ عُيَيْنَةَ عَنْ عَمْرٍو، عَنْ سُلَيْمَانَ بْنِ

**[4199] 29 - (...)** It was narrated from Sulaimân bin Yasâr that Ṭâriq ruled that a gift given for life belongs to the heir, because of what Jâbir bin 'Abdullâh narrated from the Messenger of Allâh ﷺ.

يَسَارٍ؛ أَنَّ طَارِقًا قَضَىٰ بِالْعُمْرَىٰ لِلْوَارِثِ، لِقَوْلِ جَابِرِ [بْنِ عَبْدِ اللهِ] عَنْ رَسُولِ اللهِ ﷺ.

**[4200] 30 - (...)** It was narrated from Jâbir bin 'Abdullâh that the Prophet ﷺ said: "A gift for life is permissible."

[٤٢٠٠] **٣٠**-(...) **حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَمُحَمَّدُ بْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ قَتَادَةَ يُحَدِّثُ عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمْرَىٰ جَائِزَةٌ».

**[4201] 31 - (...)** It was narrated from Jâbir that the Prophet ﷺ said: "A gift for life is part of the estate of its owner."

[٤٢٠١] **٣١**-(...) **حَدَّثَنَا** يَحْيَى ابْنُ حَبِيبٍ الْحَارِثِيُّ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ، حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ عَطَاءٍ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «الْعُمْرَىٰ مِيرَاثٌ لِأَهْلِهَا».

**[4202] 32 - (1626)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "A gift for life is permissible."

[٤٢٠٢] **٣٢**-(١٦٢٦) **حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «الْعُمْرَىٰ جَائِزَةٌ».

**[4203] (...)** It was narrated from Qatâdah (a *Hadîth* similar to no. 4201) with this chain, except that he said: "part of the estate of its owner" or he said, "permissible."

[٤٢٠٣] (...) **وَحَدَّثَنِيهِ** يَحْيَى بْنُ حَبِيبٍ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ بِهٰذَا الْإِسْنَادِ، غَيْرَ أَنَّهُ قَالَ «مِيرَاثٌ لِأَهْلِهَا» أَوْ قَالَ «جَائِزَةٌ».

# 25. The Book Of Wills

# ١٠ - (المعجم ٢٥) - كتاب الوصية (التحفة ١٥)

## Chapter... A Man's Will Should Be Written With Him

## (المعجم . . .) - (بَابٌ: وصية الرجل مكتوبة عنده) (التحفة ١)

**[4204] 1 - (1627)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "It is not right for a Muslim man who has anything that he wants to bequeath, to stay for more than two nights without having his will written with him."

[٤٢٠٤] ١-(١٦٢٧) حَدَّثَنَا أَبُو خَيْثَمَةَ زُهَيْرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّى الْعَنَزِيُّ - وَاللَّفْظُ لابْنِ الْمُثَنَّى - قَالاَ: حَدَّثَنَا يَحْيَىٰ وَهُوَ ابْنُ سَعِيدٍ الْقَطَّانُ عَنْ عُبَيْدِ اللهِ: أَخْبَرَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَا حَقُّ امْرِىءٍ مُسْلِمٍ، لَهُ شَيْءٌ يُرِيدُ أَنْ يُوصِيَ فِيهِ، يَبِيتُ لَيْلَتَيْنِ، إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ».

**[4205] 2 - (...)** It was narrated from 'Ubaidullâh (a *Ḥadîth* similar to no. 4204) with this chain, except that they (the narrators) said: "Who has anything to be bequeathed." And they did not say, "Anything that he wants to bequeath."

[٤٢٠٥] ٢-(. . .) وحَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ وعَبْدُ اللهِ بْنُ نُمَيْرٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنِي أَبِي، كِلاهُمَا عَنْ عُبَيْدِ اللهِ بِهَٰذَا الإِسْنَادِ، غَيْرَ أَنَّهُمَا قَالاَ: «وَلَهُ شَيْءٌ يُوصِي فِيهِ» وَلَمْ يَقُولاَ «يُرِيدُ أَنْ يُوصِيَ فِيهِ».

**[4206] 3 - (...)** A *Ḥadîth* like that of 'Ubaidullâh (no. 4205) was narrated from Nâfi' from Ibn 'Umar, from the Prophet ﷺ, and they said: "Who has anything to be bequeathed." But in the *Ḥadîth* of Ayyûb it says: "that he wants to

[٤٢٠٦] ٣-(. . .) وحَدَّثَنِي أَبُو كَامِلٍ الْجَحْدَرِيُّ: حَدَّثَنَا حَمَّادٌ يَعْنِي ابْنَ زَيْدٍ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عُلَيَّةَ، كِلاهُمَا عَنْ

bequeath," like the report of Yaḥyâ from 'Ubaidullâh.

أَيُّوبَ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي هَارُونُ ابْنُ سَعِيدٍ الْأَيْلِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي أُسَامَةُ بْنُ زَيْدٍ اللَّيْثِيُّ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا هِشَامٌ يَعْنِي ابْنَ سَعْدٍ، كُلُّهُمْ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ عُبَيْدِ اللهِ، وَقَالُوا جَمِيعًا: «لَهُ شَيْءٌ يُوصِي فِيهِ» إِلَّا فِي حَدِيثِ أَيُّوبَ فَإِنَّهُ قَالَ: «يُرِيدُ أَنْ يُوصِيَ فِيهِ» كَرِوَايَةِ يَحْيَىٰ عَنْ عُبَيْدِ اللهِ.

**[4207] 4 - (...)** It was narrated from Sâlim, from his father, that he heard the Messenger of Allâh ﷺ say: "It is not right for a Muslim man who has anything to be bequeathed to stay for three nights without having his will written down with him."

'Abdullâh bin 'Umar said: "Since I heard the Messenger of Allâh ﷺ say that, no night passed but I had my will with me."

**[٤٢٠٧] ٤-(...) حَدَّثَنَا** هَرُونُ بْنُ مَعْرُوفٍ: حَدَّثَنَا [عَبْدُ اللهِ] بْنُ وَهْبٍ: أَخْبَرَنِي عَمْرٌو وَهُوَ ابْنُ الْحَارِثِ عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمٍ، عَنْ أَبِيهِ؛ أَنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ قَالَ: «مَا حَقُّ امْرِئٍ مُسْلِمٍ لَهُ شَيْءٌ يُوصِي فِيهِ، يَبِيتُ ثَلَاثَ لَيَالٍ إِلَّا وَوَصِيَّتُهُ عِنْدَهُ مَكْتُوبَةٌ».

قَالَ عَبْدُ اللهِ بْنُ عُمَرَ: مَا مَرَّتْ عَلَيَّ لَيْلَةٌ مُنْذُ سَمِعْتُ رَسُولَ اللهِ ﷺ قَالَ ذَلِكَ، إِلَّا وَعِنْدِي وَصِيَّتِي.

**[4208] (...)** A *Ḥadîth* like that of 'Amr bin Al-Ḥârith (no. 4207) was narrated from Az-Zuhrî with this chain.

**[٤٢٠٨] (...) حَدَّثَنِيهِ** أَبُو الطَّاهِرِ وَحَرْمَلَةُ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ

ابْنِ اللَّيْثِ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي عُقَيْلٌ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ وَعَبْدُ ابْنُ حُمَيْدٍ، قَالَا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهٰذَا الْإِسْنَادِ، نَحْوَ حَدِيثِ عَمْرِو بْنِ الْحَارِثِ.

## Chapter 1. Bequeathing One-Third

## (المعجم ١) - (بَابُ الوصية بالثلث)

(التحفة ٢)

**[4209] 5 - (1628)** It was narrated from 'Âmir bin Sa'd that his father said: "The Messenger of Allâh ﷺ visited me during the Farewell Pilgrimage, when I fell sick with a sickness that brought me close to death. I said: 'O Messenger of Allâh, you can see how bad my sickness is, and I am wealthy, and no one will inherit from me except one daughter of mine. Can I give two-thirds of my wealth in charity?' He said: 'No.' I said: 'Can I give half of it in charity?' He said: 'No. (Give) one-third, and one-third is a lot. If you leave your heirs rich and wealthy, that is better for them than leaving them dependent and asking from people. You will never spend on maintenance, seeking thereby the Face of Allâh, but you will be rewarded for it, even a morsel that you put in your wife's mouth.' I said: 'O Messenger of Allâh, will I be left

**[٤٢٠٩] ٥-(١٦٢٨)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا إِبْرَاهِيمُ ابْنُ سَعْدٍ عَنِ ابْنِ شِهَابٍ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: عَادَنِي رَسُولُ اللهِ ﷺ، فِي حَجَّةِ الْوَدَاعِ، مِنْ وَجَعٍ أَشْفَيْتُ مِنْهُ عَلَى الْمَوْتِ، قُلْتُ: يَا رَسُولَ اللهِ! بَلَغَ بِي مَا تَرَىٰ مِنَ الْوَجَعِ، وَأَنَا ذُو مَالٍ، وَلَا يَرِثُنِي إِلَّا ابْنَةٌ لِي وَاحِدَةٌ، أَفَأَتَصَدَّقُ بِثُلُثَيْ مَالِي؟ قَالَ «لَا» قُلْتُ: أَفَأَتَصَدَّقُ بِشَطْرِهِ؟ قَالَ «لَا، الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ، إِنَّكَ أَنْ تَذَرَ وَرَثَتَكَ أَغْنِيَاءَ، خَيْرٌ مِنْ أَنْ تَذَرَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ، وَلَسْتَ تُنْفِقُ نَفَقَةً تَبْتَغِي بِهَا وَجْهَ اللهِ، إِلَّا أُجِرْتَ بِهَا، حَتَّى اللُّقْمَةُ تَجْعَلُهَا فِي فِي امْرَأَتِكَ» قَالَ: قُلْتُ: يَا رَسُولَ اللهِ! أُخَلَّفُ بَعْدَ

behind my companions?' He said: 'You will never be left behind by them and do a good deed, seeking thereby the Face of Allâh, but it will increase you in status. Perhaps you will live until some people benefit from you and others are harmed by you. O Allâh, complete the emigration of my Companions and do not cause them to turn back on their heels.' How unfortunate Sa'd bin Khawlah was.'"

He said: "The Messenger of Allâh ﷺ felt sorry for him because he died in Makkah."

أَصْحَابِي؟ قَالَ: «إِنَّكَ لَنْ تُخَلَّفَ فَتَعْمَلَ عَمَلًا تَبْتَغِي بِهِ وَجْهَ اللهِ، إِلَّا ازْدَدْتَ بِهِ دَرَجَةً وَرِفْعَةً، وَلَعَلَّكَ تُخَلَّفُ حَتَّىٰ يُنْفَعَ بِكَ أَقْوَامٌ وَيُضَرَّ بِكَ آخَرُونَ، اللّٰهُمَّ! أَمْضِ لِأَصْحَابِي هِجْرَتَهُمْ وَلَا تَرُدَّهُمْ عَلَىٰ أَعْقَابِهِمْ، لٰكِنِ الْبَائِسُ سَعْدُ بْنُ خَوْلَةَ».

قَالَ: رَثَىٰ لَهُ رَسُولُ اللهِ ﷺ مِنْ أَنْ تُوُفِّيَ بِمَكَّةَ.

**[4210] (...)** A similar report (as no. 4209) was narrated with this chain.

[٤٢١٠] (...) **حَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ قَالَا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ وَحَرْمَلَةُ قَالَا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي إِسْحٰقُ ابْنُ إِبْرَاهِيمَ وعَبْدُ ابْنُ حُمَيْدٍ قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهٰذَا الْإِسْنَادِ، نَحْوَهُ.

**[4211] (...)** It was narrated that Sa'd said: "The Prophet ﷺ entered upon me to visit me (when I was sick)..." and he narrated a *Hadîth* like that of Az-Zuhrî (no. 4210), but he did not mention what the Prophet ﷺ said about Sa'd bin Khawlah, but he said: "He did not want to die in a land from which he had emigrated."

[٤٢١١] (...) **وحَدَّثَنِي** إِسْحٰقُ بْنُ مَنْصُورٍ: حَدَّثَنَا أَبُو دَاوُدَ الْحَفَرِيُّ عَنْ سُفْيَانَ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ عَامِرِ ابْنِ سَعْدٍ، عَنْ سَعْدٍ قَالَ: دَخَلَ النَّبِيُّ ﷺ عَلَيَّ يَعُودُنِي، فَذَكَرَ بِمَعْنَىٰ حَدِيثِ الزُّهْرِيِّ، وَلَمْ يَذْكُرْ قَوْلَ النَّبِيِّ ﷺ فِي سَعْدِ بْنِ خَوْلَةَ، غَيْرَ أَنَّهُ قَالَ: وَكَانَ

يَكْرَهُ أَنْ يَمُوتَ بِالْأَرْضِ الَّتِي هَاجَرَ مِنْهَا.

[٤٢١٢] ٦-(...) وحَدَّثَني زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا الْحَسَنُ بْنُ مُوسَىٰ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا سِمَاكُ بْنُ حَرْبٍ: حَدَّثَنِي مُصْعَبُ بْنُ سَعْدٍ عَنْ أَبِيهِ قَالَ: مَرِضْتُ فَأَرْسَلْتُ إِلَى النَّبِيِّ ﷺ، فَقُلْتُ: دَعْنِي أَقْسِمْ مَالِي حَيْثُ شِئْتُ، فَأَبَىٰ، قُلْتُ: فَالنِّصْفُ؟ فَأَبَىٰ، قُلْتُ: فَالثُّلُثُ؟ قَالَ: فَسَكَتَ بَعْدَ الثُّلُثِ،

قَالَ: فَكَانَ، بَعْدُ، الثُّلُثُ جَائِزًا.

**[4212] 6 - (...)** Muṣ'ab bin Sa'd narrated that his father said: "I fell sick and I sent word to the Prophet ﷺ. I said: 'Let me divide my wealth as I wish,' but he refused. I said: 'Then half?' And he refused. I said: 'Then one-third?'" He (the narrator) said: "He remained silent after one-third." He said: "After that, one-third was permissible."

[٤٢١٣] (...) وحَدَّثَني مُحَمَّدُ بْنُ الْمُثَنَّىٰ وابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكٍ بِهَٰذَا الْإِسْنَادِ، نَحْوَهُ، وَلَمْ يَذْكُرْ: فَكَانَ، بَعْدُ، الثُّلُثُ جَائِزًا.

**[4213] (...)** A similar report (as no. 4212) was narrated from Simâk with, but he did not say: "After that, one-third was permissible."

[٤٢١٤] ٧-(...) وحَدَّثَني الْقَاسِمُ ابْنُ زَكَرِيَّاءَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ عَنْ زَائِدَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ مُصْعَبِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: عَادَنِي النَّبِيُّ ﷺ فَقُلْتُ: أُوصِي بِمَالِي كُلِّهِ، فَقَالَ «لَا»، قُلْتُ: فَالنِّصْفِ، فَقَالَ «لَا» فَقُلْتُ: أَبِالثُّلُثِ؟ فَقَالَ: «نَعَمْ، وَالثُّلُثُ كَثِيرٌ».

**[4214] 7 - (...)** It was narrated from Muṣ'ab bin Sa'd that his father said: "The Prophet ﷺ visited me (when I was sick) and I said: 'I will bequeath all my wealth.' He said: 'No.' I said: 'Then one-half.' He said: 'No.' I said: 'One-third?' He said: 'Yes, but one-third is a lot.'"

**[4215] 8 - (...)** It was narrated from three of the sons of Sa'd, from their father, that the Prophet ﷺ entered upon Sa'd to visit him (when he was sick) in Makkah, and he wept. He said: "Why are you weeping?" He said: "I am afraid that I will die in the land from which I emigrated, as Sa'd bin Khawlah died." The Prophet ﷺ said: "O Allâh, heal Sa'd. O Allâh, heal Sa'd," three times. He said: "O Messenger of Allâh, I have a lot of wealth, and only my daughter will inherit from me. Should I bequeath all my wealth?" He said: "No." He said: "Then two-thirds?" He said: "No." He said: "Then half?" He said: "No." He said: "Then one-third?" He said: "One-third, but one-third is a lot. What you give of your wealth is charity, what you spend on your family is charity, what you give to your wife to eat from your wealth is charity. If you leave your family well off, that is better for you than leaving them asking from people," and he gestured with his hand.

**[٤٢١٥] ٨-(. . .) وَحَدَّثَنَا مُحَمَّدُ بْنُ** أَبِي عُمَرَ الْمَكِّيُّ: حَدَّثَنَا الثَّقَفِيُّ عَنْ أَيُّوبَ السَّخْتِيَانِيِّ، عَنْ عَمْرِو بْنِ سَعِيدٍ، عَنْ حُمَيْدِ ابْنِ عَبْدِ الرَّحْمَٰنِ الْحِمْيَرِيِّ، عَنْ ثَلَاثَةٍ مِنْ وَلَدِ سَعْدٍ، كُلُّهُمْ يُحَدِّثُهُ عَنْ أَبِيهِ؛ أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَىٰ سَعْدٍ يَعُودُهُ بِمَكَّةَ، فَبَكَىٰ، فَقَالَ: «مَا يُبْكِيكَ؟» فَقَالَ: قَدْ خَشِيتُ أَنْ أَمُوتَ بِالأَرْضِ الَّتِي هَاجَرْتُ مِنْهَا، كَمَا مَاتَ سَعْدُ ابْنُ خَوْلَةَ، فَقَالَ النَّبِيُّ ﷺ: «اللَّهُمَّ! اشْفِ سَعْدًا، اللَّهُمَّ! اشْفِ سَعْدًا» ثَلَاثَ مِرَارٍ، قَالَ: يَا رَسُولَ اللهِ! إِنَّ لِي مَالًا كَثِيرًا، وَإِنَّمَا يَرِثُنِي ابْنَتِي، أَفَأُوصِي بِمَالِي كُلِّهِ؟ قَالَ: «لَا» قَالَ: فَبِالثُّلُثَيْنِ؟ قَالَ: «لَا» قَالَ: فَبِالنِّصْفِ؟ قَالَ: «لَا» قَالَ: فَبِالثُّلُثِ؟ قَالَ: «الثُّلُثُ وَالثُّلُثُ كَثِيرٌ، إِنَّ صَدَقَتَكَ مِنْ مَالِكَ صَدَقَةٌ، وَإِنَّ نَفَقَتَكَ عَلَىٰ عِيَالِكَ صَدَقَةٌ، وَإِنَّ مَا تَأْكُلُ امْرَأَتُكَ مِنْ مَالِكَ صَدَقَةٌ، وَإِنَّكَ أَنْ تَدَعَ أَهْلَكَ بِخَيْرٍ - أَوْ قَالَ بِعَيْشٍ - خَيْرٌ مِنْ أَنْ تَدَعَهُمْ يَتَكَفَّفُونَ النَّاسَ» وَقَالَ بِيَدِهِ.

**[4216] 9 - (...)** It was narrated that three of the sons of Sa'd said: "Sa'd fell sick in Makkah, and the Messenger of Allâh ﷺ came to visit him..." a *Hadîth* like that of Ath-Thaqafî (no. 4215).

**[٤٢١٦] ٩-(. . .) وحَدَّثَنِي أَبُو الرَّبِيعِ** الْعَتَكِيُّ: حَدَّثَنَا حَمَّادٌ: حَدَّثَنَا أَيُّوبُ عَنْ عَمْرِو بْنِ سَعِيدٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَٰنِ الْحِمْيَرِيِّ، عَنْ ثَلَاثَةٍ مِنْ وَلَدِ سَعْدٍ قَالُوا:

مَرِضَ سَعْدٌ بِمَكَّةَ، فَأَتَاهُ رَسُولُ اللهِ ﷺ يَعُودُهُ، بِنَحْوِ حَدِيثِ الثَّقَفِيِّ.

[4217] (...) Three of the sons of Sa'd bin Mâlik narrated, each of them narrating a *Ḥadîth* like that of the others, that Sa'd fell sick in Makkah and the Prophet ﷺ came to visit him... a *Ḥadîth* like that of 'Amr bin Sa'eed from Ḥumaid Al-Ḥimyarî (no. 4215).

[٤٢١٧] (...) وحَدَّثَنِي مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ: حَدَّثَنَا هِشَامٌ عَنْ مُحَمَّدٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَٰنِ: حَدَّثَنِي ثَلَاثَةٌ مِنْ وَلَدِ سَعْدِ بْنِ مَالِكٍ، كُلُّهُمْ يُحَدِّثُنِيهِ مِثْلَ حَدِيثِ صَاحِبِهِ قَالَ: مَرِضَ سَعْدٌ بِمَكَّةَ، فَأَتَاهُ النَّبِيُّ ﷺ يَعُودُهُ، بِنَحْوِ حَدِيثِ عَمْرِو بْنِ سَعِيدٍ عَنْ حُمَيْدٍ الْحِمْيَرِيِّ.

[4218] 10 - (1629) It was narrated that Ibn 'Abbâs said: "Would that the people would reduce it from one-third to one-quarter, for the Messenger of Allâh ﷺ said: 'One-third, and one-third is a lot.'"

[٤٢١٨] ١٠-(١٦٢٩) حَدَّثَنِي إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: أَخْبَرَنَا عِيسَىٰ يَعْنِي ابْنَ يُونُسَ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا ابْنُ نُمَيْرٍ، كُلُّهُمْ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَوْ أَنَّ النَّاسَ غَضُّوا مِنَ الثُّلُثِ إِلَى الرُّبُعِ، فَإِنَّ رَسُولَ اللهِ ﷺ قَالَ: «الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ»،

وَفِي حَدِيثِ وَكِيعٍ «كَبِيرٌ - أَوْ - كَثِيرٌ».

## Chapter 2. The Reward For Charity Reaches The Deceased

## (المعجم ٢) - (بَابُ وصول ثواب الصدقات إلى الميت) (التحفة ٣)

[4219] 11 - (1630) It was narrated from Abû Hurairah that

[٤٢١٩] ١١-(١٦٣٠) حَدَّثَنَا يَحْيَى ابْنُ أَيُّوبَ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَعَلِيُّ ابْنُ

a man said to the Prophet ﷺ: "My father died and he left behind some wealth but he did not make a will. Will it expiate for him if charity is given on his behalf?" He said: "Yes."

حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَجُلًا قَالَ لِلنَّبِيِّ ﷺ: إِنَّ أَبِي مَاتَ وَتَرَكَ مَالًا وَلَمْ يُوصِ، فَهَلْ يُكَفِّرُ عَنْهُ إِنْ تُصُدِّقَ عَنْهُ؟ قَالَ: «نَعَمْ».

**[4220] 12 - (1004)** It was narrated from 'Âishah that a man said to the Prophet ﷺ: "My mother died suddenly and I think that if she could have spoken, she would have given charity. Will I have a reward if I give charity on her behalf?" He said: "Yes."

[٤٢٢٠] **١٢-(١٠٠٤) حَدَّثَنَا** زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ هِشَامٍ [ابْنِ عُرْوَةَ]: أَخْبَرَنِي أَبِي عَنْ عَائِشَةَ؛ أَنَّ رَجُلًا قَالَ لِلنَّبِيِّ ﷺ: إِنَّ أُمِّيَ افْتُلِتَتْ نَفْسُهَا، وَإِنِّي أَظُنُّهَا لَوْ تَكَلَّمَتْ تَصَدَّقَتْ، فَلِيَ أَجْرٌ أَنْ أَتَصَدَّقَ عَنْهَا؟ قَالَ: «نَعَمْ». [راجع: ٢٣٢٦]

**[4221] (...)** It was narrated from 'Âishah that a man came to the Prophet ﷺ and said: "O Messenger of Allâh, my mother died suddenly and she did not leave a will. I think that if she could have spoken she would have given charity. Will she have a reward if I give charity on her behalf?" He said: "Yes."

[٤٢٢١] **(...) حَدَّثَنَا** مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنُ نُمَيْرٍ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ: حَدَّثَنَا هِشَامٌ عَنْ أَبِيهِ، عَنْ عَائِشَةَ؛ أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! إِنَّ أُمِّي افْتُلِتَتْ نَفْسَهَا، وَلَمْ تُوصِ، وَأَظُنُّهَا لَوْ تَكَلَّمَتْ تَصَدَّقَتْ، أَفَلَهَا أَجْرٌ إِنْ تَصَدَّقْتُ عَنْهَا؟ قَالَ: «نَعَمْ».

**[4222] 13 - (...)** It was narrated from Hishâm bin 'Urwah (a *Hadîth* similar to no. 4221) with this chain. As for Abû Usâmah and Rawh, in their *Hadîth* it says: "Will I have a reward?" as Yahyâ bin Sa'eed said. As for Shu'aib and Ja'far, in their *Hadîth* it says: "Will she have a reward?" as in the *Hadîth* of Ibn Bishr.

[٤٢٢٢] **١٣-(...) وحَدَّثَنَاه** أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو أُسَامَةَ؛ وَحَدَّثَنَا الْحَكَمُ ابْنُ مُوسَىٰ: حَدَّثَنَا شُعَيْبُ بْنُ إِسْحَٰقَ؛ وَحَدَّثَنِي أُمَيَّةُ ابْنُ بِسْطَامَ: حَدَّثَنَا يَزِيدُ يَعْنِي ابْنَ زُرَيْعٍ: حَدَّثَنَا رَوْحٌ وَهُوَ ابْنُ الْقَاسِمِ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ:

حَدَّثَنَا جَعْفَرُ بْنُ عَوْنٍ، كُلُّهُمْ عَنْ هِشَامِ ابْنِ عُرْوَةَ بِهٰذَا الْإِسْنَادِ، أَمَّا أَبُو أُسَامَةَ وَرَوْحٌ فَفِي حَدِيثِهِمَا: فَهَلْ لِي أَجْرٌ؟ كَمَا قَالَ يَحْيَى بْنُ سَعِيدٍ، وَأَمَّا شُعَيْبٌ وَجَعْفَرٌ فَفِي حَدِيثِهِمَا: أَفَلَهَا أَجْرٌ؟ كَرِوَايَةِ ابْنِ بِشْرٍ.

## Chapter 3. What Reward Reaches A Man After His Death

**[4223] 14 - (1631)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "When a man dies, all his good deeds come to an end except three: Ongoing charity, beneficial knowledge, or a righteous son who will pray for him."

(المعجم ٣) - **(بَابُ ما يلحق الإنسان من الثواب بعد وفاته)** (التحفة ٤)

**[٤٢٢٣] ١٤-(١٦٣١)** حَدَّثَنَا يَحْيَى ابْنُ أَيُّوبَ وَقُتَيْبَةُ يَعْنِي ابْنَ سَعِيدٍ وَابْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ؛ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ: إِلَّا مِنْ صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ».

## Chapter 4. *Waqf* (Endowment)

**[4224] 15 - (1632)** It was narrated that Ibn 'Umar said: "'Umar was given a share of land in Khaibar, and he came to the Prophet ﷺ to consult him about it. He said: 'O Messenger of Allâh, I have been given a share of land at Khaibar and I have never been given any wealth that is more precious to me than it.

(المعجم ٤) - **(بَابُ الوقف)** (التحفة ٥)

**[٤٢٢٤] ١٥-(١٦٣٢)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا سُلَيْمُ بْنُ أَخْضَرَ عَنِ ابْنِ عَوْنٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: أَصَابَ عُمَرُ أَرْضًا بِخَيْبَرَ، فَأَتَى النَّبِيَّ ﷺ يَسْتَأْمِرُهُ فِيهَا، فَقَالَ: يَا رَسُولَ اللهِ! إِنِّي أَصَبْتُ أَرْضًا بِخَيْبَرَ، لَمْ

What do you command me to do with it?' He said: "If you wish, you can 'freeze' it and give it in charity." So 'Umar gave it in charity and stipulated that it was not to be sold, given as a gift or inherited, and he gave it in charity to the poor, relatives and slaves, for the cause of Allâh and for wayfarers and guests; and there was no sin on the one appointed to look after it if he ate from it on a reasonable basis, and fed a friend without storing anything for the future."

He said:[1] "I narrated this *Hadîth* to Muhammad, when I reached the words "without storing anything for the future," Muhammad said: Without storing it with a view to becoming rich.

Ibn 'Awn said: "The one who read this book, he told me, that in it are the words: 'Without storing it with a view to becoming rich.'"

**[4225]** **(...)** A similar report (as no. 4224) was narrated from Ibn 'Awn with this chain, except that in the *Hadîth* of Ibn Abî Zâ'idah and Azhar it ends at the words: "And feed a friend without storing anything for the future." And he did not mention what comes after that. The *Hadîth* of Ibn Abî 'Adiyy includes what is mentioned by Sulaim: "I narrated this *Hadîth* to Muhammad..."

أُصِبْ مَالًا قَطُّ هُوَ أَنْفَسُ عِنْدِي مِنْهُ، فَمَا تَأْمُرُنِي بِهِ؟ قَالَ: «إِنْ شِئْتَ حَبَّسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا»، قَالَ: فَتَصَدَّقَ بِهَا عُمَرُ: أَنَّهُ لَا يُبَاعُ أَصْلُهَا، وَلَا يُبْتَاعُ، وَلَا تُورَثُ، وَلَا تُوهَبُ، قَالَ: فَتَصَدَّقَ عُمَرُ فِي الْفُقَرَاءِ، وَفِي الْقُرْبَىٰ، وَفِي الرِّقَابِ، وَفِي سَبِيلِ اللهِ، وَابْنِ السَّبِيلِ، وَالضَّيْفِ، وَلَا جُنَاحَ عَلَىٰ مَنْ وَلِيَهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ، أَوْ يُطْعِمَ صَدِيقًا، غَيْرَ مُتَمَوِّلٍ فِيهِ.

قَالَ: فَحَدَّثْتُ هَٰذَا الْحَدِيثَ مُحَمَّدًا، فَلَمَّا بَلَغْتُ هَٰذَا الْمَكَانَ: غَيْرَ مُتَمَوِّلٍ فِيهِ، قَالَ مُحَمَّدٌ: غَيْرَ مُتَأَثِّلٍ مَالًا.

قَالَ ابْنُ عَوْنٍ: وَأَنْبَأَنِي مَنْ قَرَأَ هَٰذَا الْكِتَابَ أَنَّ فِيهِ: غَيْرَ مُتَأَثِّلٍ مَالًا.

**[٤٢٢٥]** **(...)** **حَدَّثَنَاهُ** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ أَبِي زَائِدَةَ؛ وَحَدَّثَنَا إِسْحَٰقُ: أَخْبَرَنَا أَزْهَرُ السَّمَّانُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، كُلُّهُمْ عَنِ ابْنِ عَوْنٍ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ، غَيْرَ أَنَّ حَدِيثَ ابْنِ أَبِي زَائِدَةَ وَأَزْهَرَ انْتَهَىٰ عِنْدَ قَوْلِهِ «أَوْ يُطْعِمَ صَدِيقًا غَيْرَ مُتَمَوِّلٍ فِيهِ» وَلَمْ يُذْكَرْ مَا بَعْدَهُ، وَحَدِيثُ

[1] That is Ibn 'Awn, the narrator and the Muhammad is Ibn Sîrîn.

[4226] (1633) It was narrated from Ibn 'Umar that 'Umar said: "I was given a share of the land of Khaibar, and I came to the Messenger of Allâh ﷺ and said: 'I have been given a share of the land of Khaibar, and I have never acquired any wealth that is dearer to me or more precious than that...'" and he quoted a similar *Hadîth* (as no. 4224), but he did not mention (the words): "I narrated it to Muhammad," and what comes after that.

## Chapter 5. Not Making A Will For One Who Has Nothing To Be Bequeathed

**[4227] 16 - (1634)** It was narrated that Talhah bin Musârrif said: "I asked 'Abdullâh bin Abî Awfa: 'Did the Messenger of Allâh ﷺ leave a will?' He said: 'No.' I said: 'Why is making a will prescribed for the Muslims, or why are they commanded to make wills?' He said: 'His final guidance was adherence to the Book of Allâh.'"

**[4228] 17 - (...)** A similar report was narrated from Mâlik bin Maghwal (as no. 4227), except that in the *Hadîth* of

ابْنِ أَبِي عَدِيٍّ فِيهِ مَا ذَكَرَ سُلَيْمٌ قَوْلَهُ: فَحَدَّثْتُ بِهَٰذَا الْحَدِيثِ مُحَمَّدًا إِلَىٰ آخِرِهِ.

[٤٢٢٦] (١٦٣٣) وحَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَٰهِيمَ: حَدَّثَنَا أَبُو دَاوُدَ الْحَفَرِيُّ عُمَرُ بْنُ سَعْدٍ، عَنْ سُفْيَانَ، عَنِ ابْنِ عَوْنٍ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنْ عُمَرَ قَالَ: أَصَبْتُ أَرْضًا مِنْ أَرْضِ خَيْبَرَ، فَأَتَيْتُ رَسُولَ اللهِ ﷺ فَقُلْتُ: أَصَبْتُ أَرْضًا لَمْ أُصِبْ مَالًا أَحَبَّ إِلَيَّ وَلَا أَنْفَسَ عِنْدِي مِنْهَا، وَسَاقَ الْحَدِيثَ بِمِثْلِ حَدِيثِهِمْ، وَلَمْ يَذْكُرْ: فَحَدَّثْتُ مُحَمَّدًا، وَمَا بَعْدَهُ.

## (المعجم ٥) - (بَابُ ترك الوصية لمن ليس له شيء يوصي فيه) (التحفة ٦)

**[٤٢٢٧] ١٦-(١٦٣٤) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا عَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ عَنْ مَالِكِ بْنِ مِغْوَلٍ، عَنْ طَلْحَةَ بْنِ مُصَرِّفٍ قَالَ: سَأَلْتُ عَبْدَ اللهِ بْنَ أَبِي أَوْفَىٰ: هَلْ أَوْصَىٰ رَسُولُ اللهِ ﷺ؟ فَقَالَ: لَا، قُلْتُ: فَلِمَ كُتِبَ عَلَىٰ الْمُسْلِمِينَ الْوَصِيَّةُ، أَوْ فَلِمَ أُمِرُوا بِالْوَصِيَّةِ؟ قَالَ: أَوْصَىٰ بِكِتَابِ اللهِ تَعَالَىٰ.

**[٤٢٢٨] ١٧-(...) وحَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي، كِلَاهُمَا عَنْ مَالِكِ

Wakî‘ it says: "I said: 'How come the people were commanded to make wills?'" In the *Hadîth* of Ibn Numair it says: "How come it is prescribed for the Muslims to make wills?"

ابْنِ مِغْوَلٍ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ، غَيْرَ أَنَّ فِي حَدِيثِ وَكِيعٍ: قُلْتُ: فَكَيْفَ أُمِرَ النَّاسُ بِالْوَصِيَّةِ؟ وَفِي حَدِيثِ ابْنِ نُمَيْرٍ: قُلْتُ: كَيْفَ كُتِبَ عَلَى الْمُسْلِمِينَ الْوَصِيَّةُ؟.

**[4229] 18 - (1635)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ did not leave behind a Dînâr, a Dirham, a sheep nor a camel, and he did not bequeath anything."

**[٤٢٢٩] ١٨-(١٦٣٥) وَحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللهِ ابْنُ نُمَيْرٍ وَأَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي وَأَبُو مُعَاوِيَةَ قَالَا: حَدَّثَنَا الْأَعْمَشُ عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: مَا تَرَكَ رَسُولُ اللهِ ﷺ دِينَارًا، وَلَا دِرْهَمًا، وَلَا شَاةً، وَلَا بَعِيرًا، وَلَا أَوْصَىٰ بِشَيْءٍ.

**[4230] (...)** A similar report (as no. 4229) was narrated from Al-A'mash with this chain.

**[٤٢٣٠] (...) وحَدَّثَنَا** زُهَيْرُ بْنُ حَرْبٍ وَعُثْمَانُ بْنُ أَبِي شَيْبَةَ وَإِسْحَٰقُ ابْنُ إِبْرَاهِيمَ، كُلُّهُمْ عَنْ جَرِيرٍ؛ وَحَدَّثَنَا عَلِيُّ ابْنُ خَشْرَمٍ: أَخْبَرَنَا عِيسَىٰ - وَهُوَ ابْنُ يُونُسَ، جَمِيعًا عَنِ الْأَعْمَشِ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ.

**[4231] 19 - (1636)** It was narrated that Al-Aswad bin Yazîd said: "They said in the presence of 'Âishah that 'Alî was bequeathed something by the Prophet ﷺ. She said: 'When did

**[٤٢٣١] ١٩-(١٦٣٦) وحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لِيَحْيَىٰ - قَالَا: أَخْبَرَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ عَنِ ابْنِ عَوْنٍ، عَنْ إِبْرَاهِيمَ،

he make a will for him? He was leaning on my chest' - or she said: 'in my lap - and he called for a bowl, then he fell into my lap and I did not realize that he had died. So when did he make a will for him?'"

عَنِ الْأَسْوَدِ بْنِ يَزِيدَ قَالَ: ذَكَرُوا عِنْدَ عَائِشَةَ أَنَّ عَلِيًّا كَانَ وَصِيًّا، فَقَالَتْ: مَتَىٰ أَوْصَىٰ إِلَيْهِ؟ فَقَدْ كُنْتُ مُسْنِدَتَهُ إِلَىٰ صَدْرِي - أَوْ قَالَتْ حِجْرِي - فَدَعَا بِالطَّسْتِ، فَلَقَدِ انْخَنَثَ فِي حَجْرِي، وَمَا شَعَرْتُ أَنَّهُ مَاتَ، فَمَتَىٰ أَوْصَىٰ إِلَيْهِ؟.

**[4232] 20 - (1637)** It was narrated that Sa'eed bin Jubair said: "Ibn 'Abbâs said: 'Thursday and what a Thursday!' Then he wept until his tears wet the pebbles. I said: 'O Abû 'Abbâs, what about Thursday?' He said: 'The Messenger of Allâh ﷺ took a turn for the worse, and he said: "Come to me and I will dictate for you a document, so you will not go astray after I am gone." But they argued (about that), and it is not appropriate to argue in the presence of a Prophet. They said: "What is the matter with him? Is he delirious? Try to find out what he means."[1] He said: "Let me be. The state in which I am now is better. I urge you to do three things: Expel the idolators from the Arabian Peninsula, and reward the delegations as I used to do."

[٤٢٣٢] ٢٠-(١٦٣٧) حَدَّثَنَا سَعِيدُ ابْنُ مَنْصُورٍ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ - وَاللَّفْظُ لِسَعِيدٍ - قَالُوا: حَدَّثَنَا سُفْيَانُ عَنْ سُلَيْمَانَ الْأَحْوَلِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: قَالَ ابْنُ عَبَّاسٍ: يَوْمُ الْخَمِيسِ وَمَا يَوْمُ الْخَمِيسِ! ثُمَّ بَكَىٰ حَتَّىٰ بَلَّ دَمْعُهُ الْحَصَىٰ، فَقُلْتُ: يَا أَبَا عَبَّاسٍ وَمَا يَوْمُ الْخَمِيسِ؟ قَالَ: اشْتَدَّ بِرَسُولِ اللهِ ﷺ وَجَعُهُ، فَقَالَ: «ائْتُونِي أَكْتُبْ لَكُمْ كِتَابًا لَا تَضِلُّوا بَعْدِي» فَتَنَازَعُوا، وَمَا يَنْبَغِي عِنْدَ نَبِيٍّ تَنَازُعٌ، وَقَالُوا: مَا شَأْنُهُ؟ أَهَجَرَ؟ اسْتَفْهِمُوهُ، قَالَ: «دَعُونِي، فَالَّذِي أَنَا فِيهِ خَيْرٌ، أُوصِيكُمْ بِثَلَاثٍ:

[1] That is, some of them thought that it was better that he not be bothered with that, due to the strain on his condition, while others thought that it should be considered an order from him. Then some of them asked the others whether they thought that there was something wrong with him; maybe they thought he was delirious, and that is why they did not want him to write? And then they told them that rather, they should listen to what he is saying and try to understand it. See *Minnat Al-Mun'im*.

Then he remained silent about the third, or he said it, and I was caused to forget it.'"

Abû Ishâq [Ibrâhîm] said: "Al-Hasan bin Bishr told us, Sufyân told us..." this *Hadîth*.

أَخْرِجُوا الْمُشْرِكِينَ مِنْ جَزِيرَةِ الْعَرَبِ، وَأَجِيزُوا الْوَفْدَ بِنَحْوِ مَا كُنْتُ أُجِيزُهُمْ»، قَالَ: وَسَكَتَ عَنِ الثَّالِثَةِ، أَوْ قَالَهَا فَأُنْسِيتُهَا.

قَالَ أَبُو إِسْحَٰقَ [إِبْرَاهِيمُ]: حَدَّثَنَا الْحَسَنُ بْنُ بِشْرٍ: حَدَّثَنَا سُفْيَانُ بِهَٰذَا الْحَدِيثِ.

**[4233] 21 - (...)** It was narrated from Sa'd bin Jubair that Ibn 'Abbâs said: "Thursday and what a Thursday!" Then his tears started to flow until I saw what looked like strings of pearls on his cheeks. He said: "The Messenger of Allâh ﷺ said: 'Bring me a shoulder blade and an inkpot' - or 'a tablet and an inkpot - and I will dictate for you a document after which you will never go astray.' They said: 'The Messenger of Allâh ﷺ is in a state of delirium.'"

**[٤٢٣٣] ٢١-(...) حَدَّثَنَا** إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا وَكِيعٌ عَنْ مَالِكِ بْنِ مِغْوَلٍ، عَنْ طَلْحَةَ بْنِ مُصَرِّفٍ، عَنْ سَعِيدِ ابْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: يَوْمُ الْخَمِيسِ وَمَا يَوْمُ الْخَمِيسِ ثُمَّ جَعَلَ تَسِيلُ دُمُوعُهُ، حَتَّىٰ رَأَيْتُ عَلَىٰ خَدَّيْهِ كَأَنَّهَا نِظَامُ اللُّؤْلُؤِ، قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «ائْتُونِي بِالْكَتِفِ وَالدَّوَاةِ - أَوِ اللَّوْحِ وَالدَّوَاةِ - أَكْتُبْ لَكُمْ كِتَابًا لَنْ تَضِلُّوا بَعْدَهُ أَبَدًا» فَقَالُوا: إِنَّ رَسُولَ اللهِ ﷺ يَهْجُرُ.

**[4234] 22 - (...)** It was narrated that Ibn 'Abbâs said: "When the Messenger of Allâh ﷺ was dying, there were men in the house among whom was 'Umar bin Al-Khattâb. The Prophet ﷺ said: 'Come, let me dictate for you a document after which you will not go astray.' 'Umar said: 'The Messenger of Allâh ﷺ is

**[٤٢٣٤] ٢٢-(...) حَدَّثَنِي** مُحَمَّدُ ابْنُ رَافِعٍ وَعَبْدُ بْنُ حُمَيْدٍ - قَالَ عَبْدٌ: أَخْبَرَنَا، وَقَالَ ابْنُ رَافِعٍ: حَدَّثَنَا - عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ بْنُ عُتْبَةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَمَّا حُضِرَ رَسُولُ اللهِ ﷺ

overcome with pain, and you have the Qur'ân; the Book of Allâh is sufficient for us.' The people in the house disagreed, and they argued. Some of them said: 'Come close and let the Messenger of Allâh ﷺ dictate for you a document after which you will not go astray.' Others agreed with what 'Umar said. When their idle talk and argument in the presence of the Messenger of Allâh ﷺ became too much, the Messenger of Allâh ﷺ said: 'Get up and leave.'"

'Ubaidullâh said: "Ibn 'Abbâs used to say: 'What a calamity it was when the Messenger of Allâh ﷺ was prevented from dictating that document for them because of their disagreement and noise.'"

وَفِي الْبَيْتِ رِجَالٌ فِيهِمْ عُمَرُ بْنُ الْخَطَّابِ، فَقَالَ النَّبِيُّ ﷺ: «هَلُمَّ أَكْتُبْ لَكُمْ كِتَابًا لَا تَضِلُّونَ بَعْدَهُ»، فَقَالَ عُمَرُ: إِنَّ رَسُولَ اللهِ ﷺ قَدْ غَلَبَ عَلَيْهِ الْوَجَعُ، وَعِنْدَكُمُ الْقُرْآنُ، حَسْبُنَا كِتَابُ اللهِ، فَاخْتَلَفَ أَهْلُ الْبَيْتِ، فَاخْتَصَمُوا، مِنْهُمْ مَنْ يَقُولُ: قَرِّبُوا يَكْتُبْ لَكُمْ رَسُولُ اللهِ ﷺ كِتَابًا لَنْ تَضِلُّوا بَعْدَهُ، وَمِنْهُمْ مَنْ يَقُولُ مَا قَالَ عُمَرُ، فَلَمَّا أَكْثَرُوا اللَّغْوَ وَالْاخْتِلَافَ عِنْدَ رَسُولِ اللهِ ﷺ، قَالَ رَسُولُ اللهِ ﷺ: «قُومُوا».

قَالَ عُبَيْدُ اللهِ: فَكَانَ ابْنُ عَبَّاسٍ يَقُولُ: إِنَّ الرَّزِيَّةَ كُلَّ الرَّزِيَّةِ مَا حَالَ بَيْنَ رَسُولِ اللهِ ﷺ وَبَيْنَ أَنْ يَكْتُبَ لَهُمْ ذَلِكَ الْكِتَابَ، مِنِ اخْتِلَافِهِمْ وَلَغَطِهِمْ.

# 26. The Book Of Vows

# ١١ - (المعجم ٢٦) - كتاب النذر (التحفة ١٦)

## Chapter 1. The Command To Fulfill Vows

## (المعجم ١) - (بَابُ الأمر بقضاء النذر) (التحفة ١)

**[4235] 1 - (1638)** It was narrated that Ibn 'Abbâs said: "Sa'd bin 'Ubâdah asked the Messenger of Allâh ﷺ about a vow that his mother had made, but she died before she could fulfill it. The Messenger of Allâh ﷺ said: 'Fulfill it on her behalf.'"

**[٤٢٣٥] ١ -(١٦٣٨)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ وَمُحَمَّدُ بْنُ رُمْحِ بْنِ الْمُهَاجِرِ قَالَا: حَدَّثَنَا اللَّيْثُ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنِ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: اسْتَفْتَىٰ سَعْدُ بْنُ عُبَادَةَ رَسُولَ اللهِ ﷺ فِي نَذْرٍ كَانَ عَلَىٰ أُمِّهِ، تُوُفِّيَتْ قَبْلَ أَنْ تَقْضِيَهُ، قَالَ رَسُولُ اللهِ ﷺ: «فَاقْضِهِ عَنْهَا».

**[4236] (...)** A similar *Hadîth* (as no. 4235) was narrated from Az-Zuhrî with the chain of Al-Laith.

**[٤٢٣٦] (...)** حَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ، قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَإِسْحَاقُ بْنُ إِبْرَاهِيمَ، عَنِ ابْنِ عُيَيْنَةَ؛ وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنَا إِسْحَاقُ ابْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ؛ وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ بْنُ

سُلَيْمَانَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ بَكْرِ بْنِ وَائِلٍ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِإِسْنَادِ اللَّيْثِ، وَمَعْنَىٰ حَدِيثِهِ.

## Chapter 2. The Prohibition Of Vows, And Confirmation That They Do Not Avert Anything

## (المعجم ٢) - (بَابُ النهي عن النذر، وأنه لا يردّ شيئا) (التحفة ٢)

**[4237] 2 - (1639)** It was narrated that 'Abdullâh bin 'Umar said: "One day the Messenger of Allâh ﷺ starting telling us not to make vows, and he said: 'They do not avert anything, all they do is get something out of a stingy person.'"

**[٤٢٣٧] ٢-(١٦٣٩) وحَدَّثني** زُهَيْرُ ابْنُ حَرْبٍ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - قَالَ إِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ زُهَيْرٌ: حَدَّثَنَا - جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ عَبْدِ اللهِ ابْنِ مُرَّةَ، عَنْ عَبْدِ اللهِ بْنِ عُمَرَ قَالَ: أَخَذَ رَسُولُ اللهِ ﷺ يَوْمًا يَنْهَانَا عَنِ النَّذْرِ، وَيَقُولُ: «إِنَّهُ لَا يَرُدُّ شَيْئًا، وَإِنَّمَا يُسْتَخْرَجُ بِهِ مِنَ الشَّحِيحِ».

**[4238] 3 - (...)** It was narrated from Ibn 'Umar that the Prophet ﷺ said: "A vow does not bring anything forward nor delay it, all it does is get something out of a miser."

**[٤٢٣٨] ٣-(. . .) وَحَدَّثَنَا** مُحَمَّدُ ابْنُ يَحْيَىٰ: حَدَّثَنَا يَزِيدُ بْنُ أَبِي حَكِيمٍ، عَنْ سُفْيَانَ، عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «النَّذْرُ لَا يُقَدِّمُ شَيْئًا، وَلَا يُؤَخِّرُهُ، وَإِنَّمَا يُسْتَخْرَجُ بِهِ مِنَ الْبَخِيلِ».

**[4239] 4 - (...)** It was narrated from Ibn 'Umar that the Prophet ﷺ forbade vows, and said: "They do not bring anything good, all they do is get something out of a miser."

**[٤٢٣٩] ٤-(. . .) وَحَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا غُنْدَرٌ عَنْ شُعْبَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّىٰ -: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ مَنْصُورٍ، عَنْ عَبْدِ

اللهِ بْنِ مُرَّةَ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ أَنَّهُ نَهَىٰ عَنِ النَّذْرِ، وَقَالَ: «إِنَّهُ لَا يَأْتِي بِخَيْرٍ، وَإِنَّمَا يُسْتَخْرَجُ بِهِ مِنَ الْبَخِيلِ».

[4240] (...) A *Hadîth* like that of Jarîr (no. 4237) was narrated from Mansûr with this chain.

[٤٢٤٠] (...) **حَدَّثَنِي** مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا مُفَضَّلٌ؛ وحَدَّثَنَا [مُحَمَّدُ] بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ عَنْ سُفْيَانَ، كِلَاهُمَا عَنْ مَنْصُورٍ بِهٰذَا الْإِسْنَادِ، نَحْوَ حَدِيثِ جَرِيرٍ.

[4241] 5 - (1640) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Do not make vows, for a vow is of no avail against the Divine Decree; all it does is get something out of a miser."

[٤٢٤١] ٥-(١٦٤٠) **وحَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ - يَعْنِي الدَّرَاوَرْدِيَّ - عَنِ الْعَلَاءِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا تَنْذِرُوا، فَإِنَّ النَّذْرَ لَا يُغْنِي مِنَ الْقَدَرِ شَيْئًا، وَإِنَّمَا يُسْتَخْرَجُ بِهِ مِنَ الْبَخِيلِ».

[4242] 6 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ forbade vows and said: "They do not avert the Divine Decree; all they do is get something out of a miser."

[٤٢٤٢] ٦-(...) **وحَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعتُ الْعَلَاءَ يُحَدِّثُ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ نَهَىٰ عَنِ النَّذْرِ، وَقَالَ: «إِنَّهُ لَا يَرُدُّ مِنَ الْقَدَرِ، وَإِنَّمَا يُسْتَخْرَجُ بِهِ مِنَ الْبَخِيلِ».

[4243] 7 - (...) It was narrated from Abû Hurairah that the Prophet ﷺ said: "A vow does not

[٤٢٤٣] ٧-(...) **وَحَدَّثَنَا** يَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَعَلِيُّ ابْنُ حُجْرٍ

bring closer to the son of Âdam something that Allâh has not decreed for him, but a vow sometimes coincides with the Divine Decree. And thus it gets from a miser something that the miser did not want to give."

قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ، عَنْ عَمْرٍو وَهُوَ ابْنُ أَبِي عَمْرٍو، عَنْ عَبْدِ الرَّحْمَٰنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ النَّذْرَ لَا يُقَرِّبُ مِنِ ابْنِ آدَمَ شَيْئًا لَمْ يَكُنِ اللهُ عَزَّ وَجَلَّ قَدَّرَهُ لَهُ، وَلَكِنِ النَّذْرُ يُوَافِقُ الْقَدَرَ، فَيُخْرَجُ بِذَلِكَ مِنَ الْبَخِيلِ مَا لَمْ يَكُنِ الْبَخِيلُ يُرِيدُ أَنْ يُخْرِجَ».

**[4244] (...)** A similar report (as no. 4243) was narrated from 'Amr bin Abî 'Amr with this chain.

[٤٢٤٤] (...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا يَعْقُوبُ يَعْنِي ابْنَ عَبْدِ الرَّحْمَٰنِ الْقَارِيَّ، وعَبْدُ الْعَزِيزِ يَعْنِي الدَّرَاوَرْدِيَّ، كِلَاهُمَا عَنْ عَمْرِو بْنِ أَبِي عَمْرٍو بِهَٰذَا الْإِسْنَادِ مِثْلَهُ.

## Chapter 3. There Is No Fulfillment Of A Vow That Involves Disobedience Towards Allâh, Or A Vow Concerning That Which A Person Does Not Own

(المعجم ٣) - **(بَابٌ لا وفاء لنذر في معصية الله، ولا فيما لا يملك العبد)** (التحفة ٣)

**[4245] 8 - (1641)** It was narrated that 'Imrân bin Ḥusain said: "T̲h̲aqîf were allies of Banû 'Uqail, and T̲h̲aqîf captured two of the Companions of the Messenger of Allâh ﷺ. And the Companions of the Messenger of Allâh ﷺ captured a man from Banû 'Uqail, and along with him they caught (the camel) Al-'Aḍbâ'. The Messenger of Allâh

[٤٢٤٥] ٨-(١٦٤١) وحَدَّثَنِي زُهَيْرُ ابْنُ حَرْبٍ وَعَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ - وَاللَّفْظُ لِزُهَيْرٍ - قَالَا: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَيُّوبُ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْمُهَلَّبِ، عَنِ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: كَانَتْ ثَقِيفُ حُلَفَاءَ لِبَنِي عُقَيْلٍ، فَأَسَرَتْ ثَقِيفُ رَجُلَيْنِ مِنْ

ﷺ passed by him when he was in chains. He said: 'O Muḥammad!' So he came to him and said: 'What is the matter with you?' He said: 'Why did you capture me, and why did you capture the one who precedes the pilgrims (the camel)?' He said: 'I captured you because of the wrongdoing of your allies Thaqîf.' Then he turned away, and he called out to him, saying: 'O Muḥammad!' The Messenger of Allâh ﷺ was compassionate and kind, so he came back to him and said: 'What is the matter with you?' He said: 'I am a Muslim.' He said: 'If you had said that when you were still in control of your affairs, you would have gained every success.' Then he turned away, and he called him, saying: 'O Muḥammad! O Muḥammad!' He came to him and said: 'What is the matter with you?' He said: 'I am hungry, feed me, and I am thirsty, give me to drink.' He said: 'That is what you need,' and he ransomed him for the two (Muslim) men."

He said: "And a woman of the *Anṣâr* was taken captive and Al-'Aḍbâ' was captured, and the woman was put in chains. The people were letting their animals graze in front of their houses. She escaped from her chains one night and went to the camels. Every time she came near a camel it groaned, so she left it

أَصْحَابِ رَسُولِ اللهِ ﷺ، وَأَسَرَ أَصْحَابُ رَسُولِ اللهِ ﷺ رَجُلًا مِنْ بَنِي عُقَيْلٍ، وَأَصَابُوا مَعَهُ الْعَضْبَاءَ، فَأَتَىٰ عَلَيْهِ رَسُولُ اللهِ ﷺ وَهُوَ فِي الْوَثَاقِ، قَالَ: يَا مُحَمَّدُ! فَأَتَاهُ، قَالَ: «مَا شَأْنُكَ؟» فَقَالَ: بِمَ أَخَذْتَنِي؟ وَبِمَ أَخَذْتَ سَابِقَةَ الْحَاجِّ؟ قَالَ - إِعْظَامًا لِذٰلِكَ -: «أَخَذْتُكَ بِجَرِيرَةِ حُلَفَائِكَ ثَقِيفَ» ثُمَّ انْصَرَفَ عَنْهُ فَنَادَاهُ، فَقَالَ: يَا مُحَمَّدُ! يَا مُحَمَّدُ! وَكَانَ رَسُولُ اللهِ ﷺ رَحِيمًا رَقِيقًا، فَرَجَعَ إِلَيْهِ فَقَالَ: «مَا شَأْنُكَ؟» قَالَ: إِنِّي مُسْلِمٌ، قَالَ: «لَوْ قُلْتَهَا وَأَنْتَ تَمْلِكُ أَمْرَكَ، أَفْلَحْتَ كُلَّ الْفَلَاحِ» ثُمَّ انْصَرَفَ، فَنَادَاهُ، فَقَالَ: يَا مُحَمَّدُ! يَا مُحَمَّدُ! فَأَتَاهُ فَقَالَ: «مَا شَأْنُكَ؟» قَالَ: إِنِّي جَائِعٌ فَأَطْعِمْنِي، وَظَمْآنٌ فَأَسْقِنِي، قَالَ: «هٰذِهِ حَاجَتُكَ» فَفُدِيَ بِالرَّجُلَيْنِ.

قَالَ: وَأُسِرَتِ امْرَأَةٌ مِنَ الْأَنْصَارِ، وَأُصِيبَتِ الْعَضْبَاءُ، فَكَانَتِ الْمَرْأَةُ فِي الْوَثَاقِ، وَكَانَ الْقَوْمُ يُرِيحُونَ نَعَمَهُمْ بَيْنَ يَدَيْ بُيُوتِهِمْ، فَانْفَلَتَتْ ذَاتَ لَيْلَةٍ مِنَ الْوَثَاقِ فَأَتَتِ الْإِبِلَ، فَجَعَلَتْ إِذَا دَنَتْ مِنَ الْبَعِيرِ رَغَا فَتَتْرُكُهُ، حَتَّىٰ تَنْتَهِيَ إِلَى الْعَضْبَاءِ، فَلَمْ تَرْغُ، قَالَ: وَهِيَ نَاقَةٌ

alone, until she came to Al-'Aḍbâ', which did not groan. She was a docile camel, so the woman sat on her back and prodded her, and she moved off. They were alerted about her and they looked for her, but she got away from them. She vowed to Allâh that if Allâh saved her by means of (the camel), she would sacrifice her. When she reached Al-Madînah, the people saw her and said: 'Al-'Aḍbâ', the she-camel of the Messenger of Allâh ﷺ.' She said that she had vowed that if Allâh saved her by means of her, she would sacrifice her. They came to the Messenger of Allâh ﷺ and told him about that, and he said: '*Subḥân-Allâh*, what a bad reward! She vowed to Allâh that if Allâh saved her by means of her, she would sacrifice her. There is no fulfillment of a vow that involves sin, or a vow that involves something that a person does not own.'"

مُنَوَّقَةٌ، فَقَعَدَتْ فِي عَجُزِهَا ثُمَّ زَجَرَتْهَا فَانْطَلَقَتْ، وَنَذِرُوا بِهَا فَطَلَبُوهَا فَأَعْجَزَتْهُمْ قَالَ: وَنَذَرَتْ لِلّٰهِ إِنْ نَجَّاهَا اللهُ عَلَيْهَا لَتَنْحَرَنَّهَا، فَلَمَّا قَدِمَتِ الْمَدِينَةَ رَآهَا النَّاسُ، فَقَالُوا: الْعَضْبَاءُ، نَاقَةُ رَسُولِ اللهِ ﷺ، فَقَالَتْ: إِنَّهَا نَذَرَتْ إِنْ نَجَّاهَا اللهُ عَلَيْهَا لَتَنْحَرَنَّهَا، فَأَتَوْا رَسُولَ اللهِ ﷺ فَذَكَرُوا ذَلِكَ لَهُ، فَقَالَ: «سُبْحَانَ اللهِ بِئْسَ مَا جَزَتْهَا، نَذَرَتْ لِلّٰهِ إِنْ نَجَّاهَا اللهُ عَلَيْهَا لَتَنْحَرَنَّهَا، لَا وَفَاءَ لِنَذْرٍ فِي مَعْصِيَةٍ، وَلَا فِيمَا لَا يَمْلِكُ الْعَبْدُ».

According to the report of Ibn Ḥujr: "There is no vow in that which involves disobedience towards Allâh."

وَفِي رِوَايَةِ ابْنِ حُجْرٍ «لَا نَذْرَ فِي مَعْصِيَةِ اللهِ».

**[4246] (...)** A similar report (as no. 4245) was narrated from Ayyûb with this chain. In the *Ḥadîth* of Ḥammâd it says: "Al-'Aḍbâ' belonged to a man of Banû 'Uqail, and she was one of those that preceded the pilgrims." In his *Ḥadîth* it also says: "She came to a camel that was submissive and

**[٤٢٤٦]** (...) **وَحَدَّثَنِي** أَبُو الرَّبِيعِ الْعَتَكِيُّ: حَدَّثَنَا حَمَّادٌ - يَعْنِي ابْنَ زَيْدٍ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، عَنْ عَبْدِ الْوَهَّابِ الثَّقَفِيِّ، كِلَاهُمَا عَنْ أَيُّوبَ بِهٰذَا الْإِسْنَادِ، نَحْوَهُ، وَفِي حَدِيثِ حَمَّادٍ قَالَ: كَانَتِ الْعَضْبَاءُ لِرَجُلٍ

well-behaved." In the *Hadîth* of Ath-Thaqafi it says: "She was a well-trained camel."

مِنْ بَنِي عُقَيْلٍ، وَكَانَتْ مِنْ سَوَابِقِ الْحَاجِّ، وَفِي حَدِيثِهِ أَيْضًا: فَأَتَتْ عَلَىٰ نَاقَةٍ ذَلُولٍ مُجَرَّسَةٍ وَفِي حَدِيثِ الثَّقَفِيِّ: وَهِيَ نَاقَةٌ مُدَرَّبَةٌ.

## Chapter 4. One Who Vows To Walk To The Ka'bah

## (المعجم ٤) - (بَابُ من نذر أن يمشي إلى الكعبة) (التحفة ٤)

**[4247] 9 - (1642)** It was narrated from Anas that the Prophet ﷺ saw an old man being supported between two of his sons. He said: "What is the matter with this one?" They said: "He vowed to walk." He said: "Allâh has no need of this man's torturing himself." And he ordered him to ride.

**[٤٢٤٧] ٩-(١٦٤٢)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا يَزِيدُ ابْنُ زُرَيْعٍ، عَنْ حُمَيْدٍ، عَنْ ثَابِتٍ، عَنْ أَنَسٍ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ الْفَزَارِيُّ: حَدَّثَنَا حُمَيْدٌ: حَدَّثَنِي ثَابِتٌ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ رَأَىٰ شَيْخًا يُهَادَىٰ بَيْنَ ابْنَيْهِ، فَقَالَ: «مَا بَالُ هٰذَا؟» قَالُوا: نَذَرَ أَنْ يَمْشِيَ، قَالَ: «إِنَّ اللهَ تَعَالَىٰ عَنْ تَعْذِيبِ هٰذَا نَفْسَهُ لَغَنِيٌّ» وَأَمَرَهُ أَنْ يَرْكَبَ.

**[4248] 10 - (1634)** It was narrated from Abû Hurairah that the Prophet ﷺ caught up with an old man who was walking between his two sons, leaning on them. The Prophet ﷺ said: "What is the matter with him?" His sons said to him: "O Messenger of Allâh, he made a vow." The Prophet ﷺ said: "Ride, O old man, for Allâh has no need of you and your vow."

**[٤٢٤٨] ١٠-(١٦٤٣)** وحَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ جَعْفَرٍ، عَنْ عَمْرٍو وَهُوَ ابْنُ أَبِي عَمْرٍو، عَنْ عَبْدِ الرَّحْمَٰنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ أَدْرَكَ شَيْخًا يَمْشِي بَيْنَ ابْنَيْهِ، يَتَوَكَّأُ عَلَيْهِمَا، فَقَالَ النَّبِيُّ ﷺ: «مَا شَأْنُ هٰذَا؟» قَالَ ابْنَاهُ: يَا رَسُولَ اللهِ كَانَ عَلَيْهِ

نَذْرٌ، فَقَالَ النَّبِيُّ ﷺ: «ارْكَبْ، أَيُّهَا الشَّيْخُ فَإِنَّ اللهَ غَنِيٌّ عَنْكَ وَعَنْ نَذْرِكَ» - وَاللَّفْظُ لِقُتَيْبَةَ وَابْنِ حُجْرٍ.

[4249] (...) A similar report (as no. 4248) was narrated from Ibn Abî 'Amr with this chain.

[٤٢٤٩] (...) حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي الدَّرَاوَرْدِيَّ، عَنْ عَمْرِو بْنِ أَبِي عَمْرٍو بِهَٰذَا الْإِسْنَادِ. مِثْلَهُ.

[4250] 11 - (1644) It was narrated from Yazîd bin Abî Ḥabîb, from Abul-Khair, that 'Uqbah bin 'Âmir said: "My sister vowed to walk to the House of Allâh barefoot, and she told me to ask the Messenger of Allâh ﷺ about that for her. So I asked the Messenger of Allâh ﷺ and he said: 'Let her walk and let her ride.'"

[٤٢٥٠] ١١-(١٦٤٤) حَدَّثَنَا زَكَرِيَّاءُ ابْنُ يَحْيَى بْنِ صَالِحٍ الْمِصْرِيُّ: حَدَّثَنَا الْمُفَضَّلُ يَعْنِي ابْنَ فَضَالَةَ: حَدَّثَنِي عَبْدُ اللهِ بْنُ عَيَّاشٍ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ أَنَّهُ قَالَ: نَذَرَتْ أُخْتِي أَنْ تَمْشِيَ إِلَىٰ بَيْتِ اللهِ حَافِيَةً، فَأَمَرَتْنِي أَنْ أَسْتَفْتِيَ لَهَا رَسُولَ اللهِ ﷺ، فَاسْتَفْتَيْتُهُ، فَقَالَ: «لِتَمْشِ وَلْتَرْكَبْ».

[4251] 12 - (...) It was narrated from Yazîd bin Abî Ḥabîb, that Abul-Khair narrated to him from 'Uqbah bin 'Âmir Al-Juhanî, that he said: "My sister made a vow..." and he mentioned a *Ḥadîth* like that of Mufaḍḍal (no. 4250), but he did not mention in the *Ḥadîth*: "barefoot," and he added: "Abul-Khair did not leave 'Uqbah."

[٤٢٥١] ١٢-(...) وحَدَّثَنِي مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي سَعِيدُ بْنُ أَبِي أَيُّوبَ أَنَّ يَزِيدَ بْنَ أَبِي حَبِيبٍ أَخْبَرَهُ: أَنَّ أَبَا الْخَيْرِ حَدَّثَهُ عَنْ عُقْبَةَ بْنِ عَامِرٍ الْجُهَنِيِّ أَنَّهُ قَالَ: نَذَرَتْ أُخْتِي. فَذَكَرَ بِمِثْلِ حَدِيثِ مُفَضَّلٍ، وَلَمْ يَذْكُرْ فِي الْحَدِيثِ: حَافِيَةً، وَزَادَ: وَكَانَ أَبُو الْخَيْرِ لَا يُفَارِقُ عُقْبَةَ.

**[4252] (...)** Yazîd bin Abî Ḥabîb narrated a *Ḥadîth* like that of 'Abdur-Razzâq (no. 4251) with this chain.

**[٤٢٥٢] (...) وَحَدَّثَنِيهِ** مُحَمَّدُ بْنُ حَاتِمٍ وَابْنُ أَبِي خَلَفٍ قَالَا: حَدَّثَنَا رَوْحُ ابْنُ عُبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي يَحْيَى بْنُ أَيُّوبَ أَنَّ يَزِيدَ ابْنَ أَبِي حَبِيبٍ أَخْبَرَهُ بِهَٰذَا الْإِسْنَادِ. مِثْلَ حَدِيثِ عَبْدِ الرَّزَّاقِ.

## Chapter 5. Expiation For Breaking A Vow

## (المعجم ٥) - (بَابُ فِي كفارة النذر)

(التحفة ٥)

**[4253] 13 - (1645)** It was narrated from 'Uqbah bin 'Âmir that the Messenger of Allâh ﷺ said: "The expiation for breaking a vow is *Kafâratul-Yamîn* (the expiation for breaking an oath)."

**[٤٢٥٣] ١٣-(١٦٤٥)** وحَدَّثَنِي هَٰرُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ وَيُونُسُ بْنُ عَبْدِ الْأَعْلَىٰ وَأَحْمَدُ بْنُ عِيسَىٰ - قَالَ يُونُسُ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ كَعْبِ بْنِ عَلْقَمَةَ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ شُمَاسَةَ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «كَفَّارَةُ النَّذْرِ كَفَّارَةُ الْيَمِينِ».

# 27. The Book Of Oaths

# ١٢ - (المعجم ٢٧) - كتاب الأيمان (التحفة ...)

## Chapter 1. The Prohibition Of Swearing By Something Other Than Allâh

## (المعجم ١) - (بَابُ النهي عن الحلف بغير الله تعالى) (التحفة ٦)

**[4254] 1 - (1646)** It was narrated from Sâlim bin 'Abdullâh, that his father said: "I heard 'Umar bin Al-Khaṭṭâb say: 'The Messenger of Allâh ﷺ said: "Allâh, may He be exalted, forbids you to swear by your fathers."

'Umar said: "By Allâh, I have not sworn by them since I heard the Messenger of Allâh ﷺ forbid that, whether on my own behalf or narrating it from someone else."

[٤٢٥٤] **١-(١٦٤٦) حَدَّثَنِي** أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرِو بْنِ سَرْحٍ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ يُونُسَ؛ وحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخبَرَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللهِ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ يَقُولُ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ اللهَ تَعَالَىٰ يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ».

قَالَ عُمَرُ: فَوَاللهِ مَا حَلَفْتُ بِهَا مُنْذُ سَمِعْتُ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْهَا، ذَاكِرًا وَلَا آثِرًا.

**[4255] 2 - (...)** A similar report (as no. 4254) was narrated from Az-Zuhrî with this chain, except that in the *Ḥadîth* of 'Uqail it says: "I have not sworn by them since I heard the Messenger of Allâh ﷺ forbidding it, and I have not spoken of it." He did not say: "Whether on my own behalf or narrating it from someone else."

[٤٢٥٥] **٢-(...) حَدَّثَنِي** عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ بْنِ اللَّيْثِ: حَدَّثَنِي أَبِي عَنْ جَدِّي: حَدَّثَنِي عُقَيْلُ بْنُ خَالِدٍ، وَحَدَّثَنَا إِسْحَقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: أَخْبَرَنَا عبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كِلَاهُمَا عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ، غَيْرَ أَنَّ فِي حَدِيثِ عُقَيْلٍ: مَا حَلَفْتُ بِهَا

مُنْذُ سَمِعْتُ رَسُولَ اللهِ ﷺ يَنْهَىٰ عَنْهَا، وَلَا تَكَلَّمْتُ بِهَا، وَلَمْ يَقُلْ: ذَاكِرًا وَلَا آثِرًا.

**[4256] (...)** It was narrated from Sâlim that his father said: "The Prophet ﷺ heard 'Umar swearing by his father..." a report like that of Yûnus and Ma'mar (no. 4254, 4255).

**[٤٢٥٦] (...) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَزُهَيْرُ بْنُ حَرْبٍ قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ: سَمِعَ النَّبِيُّ ﷺ عُمَرَ وَهُوَ يَحْلِفُ بِأَبِيهِ، بِمِثْلِ رِوَايَةِ يُونُسَ وَمَعْمَرٍ.

**[4257] 3 - (...)** It was narrated from 'Abdullâh that the Messenger of Allâh ﷺ caught up with 'Umar bin Al-Khaṭṭâb among a group of riders when 'Umar was swearing by his father, and the Messenger of Allâh ﷺ told them not to do that and said: "Allâh forbids you to swear by your fathers. Whoever wants to swear, let him swear by Allâh or else remain silent."

**[٤٢٥٧] ٣-(...) وحَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ - وَاللَّفْظُ لَهُ -: أَخْبَرَنَا اللَّيْثُ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللهِ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ أَدْرَكَ عُمَرَ بْنَ الْخَطَّابِ فِي رَكْبٍ، وَعُمَرُ يَحْلِفُ بِأَبِيهِ، فَنَادَاهُمْ رَسُولُ اللهِ ﷺ: «أَلَا إِنَّ اللهَ يَنْهَاكُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ، فَمَنْ كَانَ حَالِفًا فَلْيَحْلِفْ بِاللهِ أَوْ لِيَصْمُتْ».

**[4258] 4 - (...)** A similar report (as no. 4257) was narrated from Ibn 'Umar from the Prophet ﷺ.

**[٤٢٥٨] ٤-(...) وحَدَّثَنَا** مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا يَحْيَىٰ - وَهُوَ الْقَطَّانُ، عَنْ عُبَيْدِ اللهِ؛ وَحَدَّثَنِي بِشْرُ بْنُ هِلَالٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا أَيُّوبُ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا

أَبُو أُسَامَةَ عَنِ الْوَلِيدِ بْنِ كَثِيرٍ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ؛ وَحَدَّثَنَا ابْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الضَّحَّاكُ وابْنُ أَبِي ذِئْبٍ؛ وَحَدَّثَنَا إِسْحٰقُ بْنُ إِبْرَاهِيمَ وَابْنُ رَافِعٍ، عَنْ عَبْدِ الرَّزَّاقِ، عَنِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي عَبْدُ الْكَرِيمِ، كُلُّ هٰؤُلَاءِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ بِمِثْلِ هٰذِهِ الْقِصَّةِ عَنِ النَّبِيِّ ﷺ.

**[4259] (...)** It was narrated from 'Abdullâh bin Dînâr that he heard Ibn 'Umar say: "The Messenger of Allâh ﷺ said: 'Whoever wants to swear, let him not swear by anything but Allâh.' The Quraish used to swear by their fathers." But he said: "Do not swear by your fathers."

**[٤٢٥٩] (. . .) وحَدَّثَنَا** يَحْيَى بْنُ يَحْيَىٰ وَيَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ - قَالَ يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا، وَقَالَ الْآخَرُونَ: حَدَّثَنَا - إِسْمَاعِيلُ وهُوَ ابْنُ جَعْفَرٍ، عَنْ عَبْدِ اللهِ بْنِ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَ حَالِفًا فَلَا يَحْلِفْ إِلَّا بِاللهِ»، وَكَانَتْ قُرَيْشٌ تَحْلِفُ بِآبَائِهَا، فَقَالَ: «لَا تَحْلِفُوا بِآبَائِكُمْ».

## Chapter 2. Whoever Swears By Al-Lât And Al-'Uzza, Let Him Say *Lâ Ilâha Illallâh*

## (المعجم ٢) - (بَابُ من حلف باللات والعزّى، فليقل: لا إله إلا الله)

(التحفة ٧)

**[4260] 5 - (1647)** Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever among you swears and says in his oath 'By al-Lât,' let him say *Lâ Ilâha Illallâh*. And whoever says

**[٤٢٦٠] ٥-(١٦٤٧) حَدَّثَنِي** أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ، عَنْ يُونُسَ؛ وَحَدَّثَنِي حَرْمَلَةُ بْنُ يَحْيَىٰ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ. عَنِ ابْنِ شِهَابٍ:

to his companion: 'Come, I will gamble with you,' let him give charity."

أَخْبَرَنِي حُمَيْدُ بْنُ عَبْدِ الرَّحْمَٰنِ بْنِ عَوْفٍ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ مِنْكُمْ، فَقَالَ فِي حَلِفِهِ: بِاللَّاتِ، فَلْيَقُلْ: لَا إِلَٰهَ إِلَّا اللهُ، وَمَنْ قَالَ لِصَاحِبِهِ: تَعَالَ أُقَامِرْكَ، فَلْيَتَصَدَّقْ».

**[4261] (...)** It was narrated from Az-Zuhrî with this chain (a *Hadîth* similar to no. 4260), and the *Hadîth* of Ma'mar is like the *Hadîth* of Yûnus, except that he said: "Let him give something in charity." In the *Hadîth* of Al-Awzâ'î it says: "Whoever swears by al-Lât and Al-'Uzza."

**[٤٢٦١] (...) وحَدَّثني** سُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنِ الْأَوْزَاعِيِّ، وَحَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كِلَاهُمَا عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ، وَحَدِيثُ مَعْمَرٍ مِثْلُ حَدِيثِ يُونُسَ، غَيْرَ أَنَّهُ قَالَ «فَلْيَتَصَدَّقْ بِشَيْءٍ»، وَفِي حَدِيثِ الْأَوْزَاعِيِّ «مَنْ حَلَفَ بِاللَّاتِ وَالْعُزَّىٰ».

Abû Al-Husain Muslim said: This phrase - meaning: "Come, I will gamble with you" - was not narrated by anyone except Az-Zuhrî. Az-Zuhrî had approximately ninety phrases which he narrated from the Prophet ﷺ and no one else narrated them with any reliable chain of narrators.

قَالَ أَبُو الْحُسَيْنِ مُسْلِمٌ: هٰذَا الْحَرْفُ، يَعْنِي قَوْلَهُ: «تَعَالَ أُقَامِرْكَ فَلْيَتَصدَّقْ» لَا يَرْوِيهِ أَحَدٌ، غَيْرُ الزُّهْرِيِّ، قَالَ: وَلِلزُّهْرِيِّ نَحْوٌ مِنْ تِسْعِينَ حَرْفًا يَرْوِيهِ عَنِ النَّبِيِّ ﷺ، لَا يُشَارِكُهُ فِيهِ أَحَدٌ بِأَسَانِيدَ جِيَادٍ.

**[4262] 6 - (1648)** It was narrated that 'Abdur-Rahmân bin Samurah said: "The Messenger of Allâh ﷺ said: 'Do not swear by false gods or by your fathers.'"

**[٤٢٦٢] ٦-(١٦٤٨) وَحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ عَنْ هِشَامٍ، عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمٰنِ ابْنِ سَمُرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تَحْلِفُوا بِالطَّوَاغِي وَلَا بِآبَائِكُمْ».

## Chapter 3. It Is Recommended For The One Who Swears An Oath Then Sees That Something Else Is Better Than It, To Do That Which Is Better And Offer Expiation For His Oath

(المعجم ٣) - (بَابُ ندب من حلف يمينًا، فرأى غيرها خيرًا منها، أن يأتي الذي هو خير، ويكفر عن يمينه) (التحفة ٨)

**[4263] 7 - (1649)** It was narrated that Abû Mûsâ Al-Asha'rî said: "I came to the Prophet ﷺ among a group of the Asha'rîs to ask him for mounts. He said: 'By Allâh, I will not give you mounts, and I do not have anything to give you as mounts.' As much time as Allâh willed passed, then some camels were brought, and he ordered that we be given three camels with white humps. When we set out we said" - or "we said to one another" - 'Allâh will not bless us. We came to the Messenger of Allâh ﷺ to ask him for mounts and he swore that he would not give us mounts, then he gave us mounts.'" So they went to him and told him, and he said: "It was not me who gave you mounts, rather Allâh gave you mounts. By Allâh, if Allâh wills, I do not swear an oath then see something better than that, but I expiate my oath and do that which is better."

**[٤٢٦٣] ٧-(١٦٤٩)** حَدَّثَنَا خَلَفُ ابْنُ هِشَامٍ وَقُتَيْبَةُ بْنُ سَعِيدٍ وَيَحْيَى ابْنُ حَبِيبٍ الْحَارِثِيُّ - وَاللَّفْظُ لِخَلَفٍ - قَالُوا: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ غَيْلَانَ بْنِ جَرِيرٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ فِي رَهْطٍ مِنَ الْأَشْعَرِيِّينَ نَسْتَحْمِلُهُ، فَقَالَ: «وَاللهِ! لَا أَحْمِلُكُمْ، وَمَا عِنْدِي مَا أَحْمِلُكُمْ عَلَيْهِ» قَالَ: فَلَبِثْنَا مَا شَاءَ اللهُ، ثُمَّ أُتِيَ بِإِبِلٍ، فَأَمَرَ لَنَا بِثَلَاثِ ذَوْدٍ غُرِّ الذُّرَى، فَلَمَّا انْطَلَقْنَا قُلْنَا - أَوْ قَالَ بَعْضُنَا لِبَعْضٍ -: لَا يُبَارِكُ اللهُ لَنَا، أَتَيْنَا رَسُولَ اللهِ ﷺ نَسْتَحْمِلُهُ فَحَلَفَ أَنْ لَا يَحْمِلَنَا، ثُمَّ حَمَلَنَا، فَأَتَوْهُ فَأَخْبَرُوهُ، فَقَالَ: «مَا أَنَا حَمَلْتُكُمْ، وَلَكِنَّ اللهَ حَمَلَكُمْ، وَإِنِّي، وَاللهِ! إِنْ شَاءَ اللهُ، لَا أَحْلِفُ عَلَى يَمِينٍ ثُمَّ أَرَى خَيْرًا مِنْهَا، إِلَّا كَفَّرْتُ عَنْ يَمِينِي وَأَتَيْتُ الَّذِي هُوَ خَيْرٌ».

**[4264] 8 - (...)** It was narrated that Abû Mûsâ said: "My companions sent me to the

**[٤٢٦٤] ٨-(...)** حَدَّثَنَا عَبْدُ اللهِ ابْنُ بَرَّادٍ الْأَشْعَرِيُّ وَمُحَمَّدُ بْنُ الْعَلَاءِ

Messenger of Allâh ﷺ to ask him for mounts for them, because they were with him in the army of hardship - meaning, the campaign to Tabûk. I said: 'O Prophet of Allâh, my companions have sent me to you, so that you might give them mounts.' He said: 'By Allâh, I will not give you anything to ride.' It so happened that I came to him when he was angry and I did not realize it. So I went back saddened by the refusal of the Messenger of Allâh ﷺ, and I was worried that the Messenger of Allâh ﷺ was upset with me. So I went back to my companions and told them what the Messenger of Allâh ﷺ had said. Only a short time passed, then I heard Bilâl calling: 'O 'Abdullâh bin Qais!' So I answered him, and he said: 'Go to the Messenger of Allâh ﷺ, he is calling you.' When I came to the Messenger of Allâh ﷺ, he said: 'Take this pair and this pair and this pair' - six camels that he had bought from Sa'd at that time. 'Take them to your companions and say: "Allâh" - or "the Messenger of Allâh ﷺ - has provided you with these mounts so ride them."

Abû Mûsâ said: "So I took them to my companions and I said: 'The Messenger of Allâh ﷺ has given you these to ride, but by Allâh I will not leave you until some of you come with me to one who heard what the Messenger of

الْهَمْدَانِيُّ - وتَقَارَبَا فِي اللَّفْظِ - قَالَا: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ بُرَيْدٍ، عَنِ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَىٰ قَالَ: أَرْسَلَنِي أَصْحَابِي إِلَىٰ رَسُولِ اللهِ ﷺ أَسْأَلُهُ لَهُمُ الْحُمْلَانَ، إِذْ هُمْ مَعَهُ فِي جَيْشِ الْعُسْرَةِ - وَهِيَ غَزْوَةُ تَبُوكَ - فَقُلْتُ: يَا نَبِيَّ اللهِ! إِنَّ أَصْحَابِي أَرْسَلُونِي إِلَيْكَ لِتَحْمِلَهُمْ، فَقَالَ: «وَاللهِ! لَا أَحْمِلُكُمْ عَلَىٰ شَيْءٍ» وَوَافَقْتُهُ وَهُوَ غَضْبَانُ وَلَا أَشْعُرُ، فَرَجَعْتُ حَزِينًا مِنْ مَنْعِ رَسُولِ اللهِ ﷺ، وَمِنْ مَخَافَةِ أَنْ يَكُونَ رَسُولُ اللهِ ﷺ قَدْ وَجَدَ فِي نَفْسِهِ عَلَيَّ، فَرَجَعْتُ إِلَىٰ أَصْحَابِي فَأَخْبَرْتُهُمُ الَّذِي قَالَ رَسُولُ اللهِ ﷺ، فَلَمْ أَلْبَثْ إِلَّا سُوَيْعَةً إِذْ سَمِعْتُ بِلَالًا يُنَادِي: أَيْ عَبْدَ اللهِ بْنَ قَيْسٍ! فَأَجَبْتُهُ، فَقَالَ: أَجِبْ رَسُولَ اللهِ ﷺ يَدْعُوكَ، فَلَمَّا أَتَيْتُ رَسُولَ اللهِ ﷺ قَالَ: «خُذْ هٰذَيْنِ الْقَرِينَيْنِ، وَهٰذَيْنِ الْقَرِينَيْنِ، وَهٰذَيْنِ الْقَرِينَيْنِ، - لِسِتَّةِ أَبْعِرَةٍ ابْتَاعَهُنَّ حِينَئِذٍ مِنْ سَعْدٍ - فَانْطَلِقْ بِهِنَّ إِلَىٰ أَصْحَابِكَ، فَقُلْ: إِنَّ اللهَ - أَوْ قَالَ: إِنَّ رَسُولَ اللهِ ﷺ - يَحْمِلُكُمْ عَلَىٰ هٰؤُلَاءِ، فَارْكَبُوهُنَّ».

قَالَ أَبُو مُوسَىٰ: فَانْطَلَقْتُ إِلَىٰ

Allâh ﷺ said, when I asked him (for mounts) for you and he refused at first, then he gave them to me after that. Do not think that I have told you anything that he did not say.' They said to me: 'By Allâh, you are truthful in our opinion, but we will do what you wish."' So Abû Mûsâ went with a group of them until they came to those who had heard what the Messenger of Allâh ﷺ had said when he refused to respond to their request, then gave them something after that, and they told them the same as Abû Mûsâ had told them.

أَصْحَابِي بِهِنَّ، فَقُلْتُ: إِنَّ رَسُولَ اللهِ ﷺ يَحْمِلُكُمْ عَلَىٰ هٰؤُلَاءِ، وَلٰكِنْ، وَاللهِ لَا أَدعُكُمْ حَتَّىٰ يَنْطَلِقَ مَعِي بَعْضُكُمْ إِلَىٰ مَنْ سَمِعَ مَقَالَةَ رَسُولِ اللهِ ﷺ، حِينَ سَأَلْتُهُ لَكُمْ، وَمَنْعَهُ فِي أَوَّلِ مَرَّةٍ، ثُمَّ إِعْطَاءَهُ إِيَّايَ بَعْدَ ذٰلِكَ، لَا تَظُنُّوا أَنِّي حَدَّثْتُكُمْ شَيْئًا لَمْ يَقُلْهُ، فَقَالُوا لِي: واللهِ! إِنَّكَ عِنْدَنَا لَمُصَدَّقٌ، وَلَنَفْعَلَنَّ مَا أَحْبَبْتَ، فَانْطَلَقَ أَبُو مُوسَىٰ بِنَفَرٍ مِنْهُمْ، حَتَّىٰ أَتَوُا الَّذِينَ سَمِعُوا قَوْلَ رَسُولِ اللهِ ﷺ وَمَنْعَهُ إِيَّاهُمْ، ثُمَّ إِعْطَاءَهُمْ بَعْدُ، فَحَدَّثُوهُمْ بِمَا حَدَّثَهُمْ بِهِ أَبُو مُوسَىٰ، سَوَاءً.

[4265] 9 - (...) Ayyûb said: "The *Hadîth* of Al-Qâsim is better known to me than the *Hadîth* of Abû Qilâbah. He said: 'We were with Abû Mûsâ and he called for his food, and there was some chicken there. A man from Banû Taimullâh came in who was of reddish complexion and looked like a freed slave. He said: "Come and join me." The man hesitated, so he said: "Come, for I saw the Messenger of Allâh ﷺ eating this." The man said: "I saw it eating something and I found it repugnant, and I swore that I would not eat it." He said: "Come, I will tell you something about that (the oath)." "I came to the Messenger of

[٤٢٦٥] ٩-(...) حَدَّثَنِي أَبُو الرَّبِيعِ الْعَتَكِيُّ: حَدَّثَنَا حَمَّادٌ يَعْنِي ابْنَ زَيْدٍ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ وعَنِ الْقَاسِمِ بْنِ عَاصِمٍ، عَنْ زَهْدَمٍ الْجَرْمِيِّ قَالَ أَيُّوبُ: وَأَنَا لِحَدِيثِ الْقَاسِمِ أَحْفَظُ مِنِّي لِحَدِيثِ أَبِي قِلَابَةَ، قَالَ: كُنَّا عِنْدَ أَبِي مُوسَىٰ، فَدَعَا بِمَائِدَتِهِ وَعَلَيْهَا لَحْمُ دَجَاجٍ، فَدَخَلَ رَجُلٌ مِنْ بَنِي تَيْمِ اللهِ، أَحْمَرُ، شَبِيهٌ بِالْمَوَالِي، فَقَالَ لَهُ: هَلُمَّ فَتَلَكَّأَ فَقَالَ: هَلُمَّ فَإِنِّي قَدْ رَأَيْتُ رَسُولَ اللهِ ﷺ يَأْكُلُ مِنْهُ، فَقَالَ الرَّجُلُ: إِنِّي رَأَيْتُهُ يَأْكُلُ شَيْئًا فَقَذِرْتُهُ، فَحَلَفْتُ أَنْ لَا

Allâh ﷺ with a group of Ash'arîs to ask him for mounts, and he said: 'By Allâh, I will not give you mounts, and I have nothing to give to you as mounts.' As much time passed as Allâh willed, then some spoils of war consisting of camels, was brought to the Messenger of Allâh ﷺ. He called us, and ordered that we be given five of the camels with white humps. When we set out, we said to one another: 'We made the Messenger of Allâh ﷺ forget his oath, and we will not be blessed.' So we went back to him and said: 'O Messenger of Allâh, we came to you and asked you for mounts, and you swore that you would not give us mounts, then you gave us mounts. Did you forget, O Messenger of Allâh?' He said: 'By Allâh, if Allâh wills, I do not swear an oath then see that something else is better than it, but I do that which is better and offer expiation. Go, for it is Allâh Who has given you mounts.'"

**[4266] (...)** It was narrated that Zahdam Al-Jarmî said: "There was love and brotherhood between this clan of Jarm and the Ash'arîs. We were with Abû Mûsâ Al-Asha'rî, and some food containing chicken was brought to him..." and he narrated something similar (as *Hadîth* no. 4265).

أَطْعَمَهُ، فَقَالَ: هَلُمَّ أُحَدِّثْكَ عَنْ ذَلِكَ، إِنِّي أَتَيْتُ رَسُولَ اللهِ ﷺ فِي رَهْطٍ مِنَ الْأَشْعَرِيِّينَ نَسْتَحْمِلُهُ، فَقَالَ: «وَاللهِ! لَا أَحْمِلُكُمْ، وَمَا عِنْدِي مَا أَحْمِلُكُمْ عَلَيْهِ» فَلَبِثْنَا مَا شَاءَ اللهُ، فَأُتِيَ رَسُولُ اللهِ ﷺ بِنَهْبِ إِبِلٍ، فَدَعَا بِنَا، فَأَمَرَ لَنَا بِخَمْسِ ذَوْدٍ غُرِّ الذُّرَىٰ، قَالَ: فَلَمَّا انْطَلَقْنَا، قَالَ بَعْضُنَا لِبَعْضٍ: أَغْفَلْنَا رَسُولَ اللهِ ﷺ يَمِينَهُ، لَا يُبَارَكُ لَنَا، فَرَجَعْنَا إِلَيْهِ، فَقُلْنَا: يَا رَسُولَ اللهِ! إِنَّا أَتَيْنَاكَ نَسْتَحْمِلُكَ، وَإِنَّكَ حَلَفْتَ أَنْ لَا تَحْمِلَنَا، ثُمَّ حَمَلْتَنَا، أَفَنَسِيتَ؟ يَا رَسُولَ اللهِ، قَالَ: «إِنِّي، وَاللهِ! إِنْ شَاءَ اللهُ، لَا أَحْلِفُ عَلَىٰ يَمِينٍ فَأَرَىٰ غَيْرَهَا خَيْرًا مِنْهَا، إِلَّا أَتَيْتُ الَّذِي هُوَ خَيْرٌ، وَتَحَلَّلْتُهَا، فَانْطَلِقُوا، فَإِنَّمَا حَمَلَكُمُ اللهُ عَزَّ وَجَلَّ».

**[٤٢٦٦]** (...) **وَحَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ وَالْقَاسِمِ التَّمِيمِيِّ، عَنْ زَهْدَمٍ الْجَرْمِيِّ قَالَ: كَانَ بَيْنَ هَـٰذَا الْحَيِّ مِنْ جَرْمٍ وَبَيْنَ الْأَشْعَرِيِّينَ وُدٌّ وَإِخَاءٌ، فَكُنَّا عِنْدَ أَبِي مُوسَى الْأَشْعَرِيِّ، فَقُرِّبَ إِلَيْهِ طَعَامٌ فِيهِ لَحْمُ دَجَاجٍ، فَذَكَرَ نَحْوَهُ.

**[4267] (...)** It was narrated that Zahdam Al-Jarmî said: "We were with Abû Mûsâ..." and they all narrated a *Ḥadîth* like that of Ḥammâd bin Zaid (no. 4265).

[٤٢٦٧] (...) **وحَدَّثني** عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَابْنُ نُمَيْرٍ، عَنْ إِسْمَاعِيلَ ابْنِ عُلَيَّةَ، عَنْ أَيُّوبَ، عَنِ الْقَاسِمِ التَّمِيمِيِّ، عَنْ زَهْدَمٍ الْجَرْمِيِّ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ، حَدَّثَنَا سُفْيَانُ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ التَّمِيمِي، عَنْ زَهْدَمٍ الْجَرْمِيِّ، وَحَدَّثَني أَبُو بَكْرِ بْنُ إِسْحَٰقَ: حَدَّثَنَا عَفَّانُ بْنُ مُسْلِمٍ: حَدَّثَنَا وُهَيْبٌ: حَدَّثَنَا أَيُّوبُ، عَنْ أَبِي قِلَابَةَ وَالْقَاسِمِ، عَنْ زَهْدَمٍ الْجَرْمِيِّ قَالَ: كُنَّا عِنْدَ أَبِي مُوسَىٰ، وَاقْتَصُّوا جَمِيعًا الْحَدِيثَ بِمَعْنَىٰ حَدِيثِ حَمَّادِ بْنِ زَيْدٍ.

**[4268] (...)** Zahdam Al-Jarmî said: "I entered upon Abû Mûsâ when he was eating chicken..." and he quoted a *Ḥadîth* like theirs (no. 4264, 4265), and he added: "He (ﷺ) said: 'By Allâh, I did not forget it.'"

[٤٢٦٨] (...) **وحَدَّثَنَا** شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا الصَّعْقُ -يَعْنِي ابْنَ حَزْنٍ-: حَدَّثَنَا مَطَرٌ الْوَرَّاقُ: حَدَّثَنَا زَهْدَمٌ الْجَرْمِيُّ قَالَ: دَخَلْتُ عَلَىٰ أَبِي مُوسَىٰ وَهُوَ يَأْكُلُ لَحْمَ الدَّجَاجِ، وَسَاقَ الْحَدِيثَ بِنَحْوِ حَدِيثِهِمْ، وَزَادَ فِيهِ قَالَ: «إِنِّي، واللهِ! مَا نَسِيتُهَا».

**[4269] 10 - (...)** It was narrated that Abû Mûsâ Al-Asha'rî said: "We came to the Messenger of Allâh ﷺ to ask him for mounts, and he said: 'I do not have anything to give to you as

[٤٢٦٩] ١٠-(...) **وحَدَّثَنَا** إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ عَنْ سُلَيْمَانَ التَّيْمِيِّ، عَنْ ضُرَيْبِ بْنِ نُقَيْرٍ الْقَيْسِيِّ، عَنْ زَهْدَمٍ، عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَ:

mounts, and by Allâh I will not give you mounts.' Then the Messenger of Allâh ﷺ sent to us three camels with white humps. We said: 'We came to the Messenger of Allâh ﷺ and asked him for mounts, and he swore that he would not give us mounts.' So we went back to him and told him, and he said: 'I do not swear an oath, then see that something else is better than it, but I do that which is better.'"

أَتَيْنَا رَسُولَ اللهِ ﷺ نَسْتَحْمِلُهُ، فَقَالَ «مَا عِنْدِي مَا أَحْمِلُكُمْ، وَاللهِ مَا أَحْمِلُكُمْ» ثُمَّ بَعَثَ إِلَيْنَا رَسُولُ اللهِ ﷺ بِثَلَاثَةِ ذَوْدٍ بُقْعِ الذُّرَىٰ، فَقُلْنَا: إِنَّا أَتَيْنَا رَسُولَ اللهِ ﷺ نَسْتَحْمِلُهُ، فَحَلَفَ أَنْ لَا يَحْمِلَنَا، فَأَتَيْنَاهُ فَأَخْبَرْنَاهُ، فَقَالَ: «إِنِّي لَا أَحْلِفُ عَلَىٰ يَمِينٍ، أَرَىٰ غَيْرَهَا خَيْرًا مِنْهَا، إِلَّا أَتَيْتُ الَّذِي هُوَ خَيْرٌ».

**[4270] (...)** It was narrated that Abû Mûsâ said: "We were on foot, then we came to the Prophet of Allâh ﷺ and asked him for mounts..." a *Ḥadîth* like that of Jarîr (no. 4269).

[٤٢٧٠] (...) **حَدَّثَنَا** مُحَمَّدُ بْنُ عَبْدِ الْأَعْلَى التَّيْمِيُّ: حَدَّثَنَا الْمُعْتَمِرُ عَنْ أَبِيهِ: حَدَّثَنَا أَبُو السَّلِيلِ، عَنْ زَهْدَمٍ، يُحَدِّثُهُ عَنْ أَبِي مُوسَىٰ قَالَ: كُنَّا مُشَاةً، فَأَتَيْنَا نَبِيَّ اللهِ ﷺ نَسْتَحْمِلُهُ، بِنَحْوِ حَدِيثِ جَرِيرٍ.

**[4271] 11 - (1650)** It was narrated that Abû Hurairah said: "A man came to the Prophet ﷺ late at night, then he went back to his family and found that his children had gone to sleep. His wife brought him his food, but he swore that he would not eat because of his children, then he decided to eat. He came to the Messenger of Allâh ﷺ and told him about that, and the Messenger of Allâh ﷺ said: 'Whoever swears an oath then sees that something else is better than it, let him do that, and offer expiation for his oath.'"

[٤٢٧١] **١١-(١٦٥٠) حَدَّثَنِي** زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ الْفَزَارِيُّ: أَخْبَرَنَا يَزِيدُ بْنُ كَيْسَانَ عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَعْتَمَ رَجُلٌ عِنْدَ النَّبِيِّ ﷺ، ثُمَّ رَجَعَ إِلَى أَهْلِهِ فَوَجَدَ الصِّبْيَةَ قَدْ نَامُوا، فَأَتَاهُ أَهْلُهُ بِطَعَامِهِ، فَحَلَفَ لَا يَأْكُلُ، مِنْ أَجْلِ صِبْيَتِهِ، ثُمَّ بَدَا لَهُ فَأَكَلَ، فَأَتَىٰ رَسُولَ اللهِ ﷺ فَذَكَرَ ذَلِكَ لَهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «مَنْ حَلَفَ عَلَىٰ يَمِينٍ، فَرَأَىٰ غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَأْتِهَا، وَلْيُكَفِّرْ عَنْ يَمِينِهِ».

[4272] 12 - (...) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "Whoever swears an oath, then sees that something else is better than it, let him offer expiation for his oath and do it."

[٤٢٧٢] ١٢-(...) حَدَّثَنِي أَبُو الطَّاهِرِ: حَدَّثَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي مَالِكٌ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ حَلَفَ عَلَىٰ يَمِينٍ فَرَأَىٰ غَيْرَهَا خَيْرًا مِنْهَا، فَلْيُكَفِّرْ عَنْ يَمِينِهِ، وَلْيَفْعَلْ».

[4273] 13 - (...) It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees that something else is better than it, let him do that which is better, and offer expiation for his oath.'"

[٤٢٧٣] ١٣-(...) وحَدَّثَنِي زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا ابْنُ أَبِي أُوَيْسٍ: حَدَّثَنِي عَبْدُ الْعَزِيزِ بْنُ الْمُطَّلِبِ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ «مَنْ حَلَفَ عَلَىٰ يَمِينٍ فَرَأَىٰ غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ، وَلْيُكَفِّرْ عَنْ يَمِينِهِ».

[4274] 14 - (...) Suhail narrated a *Hadîth* like that of Mâlik (no. 4272) with a different chain of narrators, (reporting the Messegnger of Allâh ﷺ saying: "Let him offer expiation for his oath and do that which is better."

[٤٢٧٤] ١٤-(...) وحَدَّثَنِي الْقَاسِمُ بْنُ زَكَرِيَّاءَ: حَدَّثَنَا خَالِدُ بْنُ مَخْلَدٍ: حَدَّثَنِي سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ، حَدَّثَنِي سُهَيْلٌ فِي هَٰذَا الْإِسْنَادِ بِمَعْنَىٰ حَدِيثِ مَالِكٍ «فَلْيُكَفِّرْ يَمِينَهُ، وَلْيَفْعَلِ الَّذِي هُوَ خَيْرٌ».

[4275] 15 - (1651) It was narrated that Tamîm bin Tarafah said: "A man came to 'Adiyy bin Hâtim and asked him for the price of a servant, or part of the price of a servant. He said: 'I do

[٤٢٧٥] ١٥-(١٦٥١) حَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا جَرِيرٌ عَنْ عَبْدِ الْعَزِيزِ يَعْنِي ابْنَ رُفَيْعٍ، عَنْ تَمِيمِ بْنِ طَرَفَةَ قَالَ: جَاءَ سَائِلٌ إِلَىٰ عَدِيِّ بْنِ حَاتِمٍ، فَسَأَلَهُ

not have anything to give you except my coat of mail and my helmet, but I will write to my family and tell them to give you these two things.' He did not accept that, and 'Adiyy got angry. He said: 'By Allâh, I will not give you anything!' Then the man accepted it, and he said: 'By Allâh, were it not that I heard the Messenger of Allâh ﷺ say: "Whoever swears an oath then sees something that is more favored by Allâh the Mighty and Sublime, than it, let him do that which is more favored by Allâh," I would not have broken my oath.'"

نَفَقَةً فِي ثَمَنِ خَادِمٍ أَوْ فِي بَعْضِ ثَمَنِ خَادِمٍ، فَقَالَ: لَيْسَ عِنْدِي مَا أُعْطِيكَ إِلَّا دِرْعِي وَمِغْفَرِي، فَأَكْتُبُ إِلَىٰ أَهْلِي أَنْ يُعْطُوكَهُمَا، قَالَ: فَلَمْ يَرْضَ، فَغَضِبَ عَدِيٌّ، فَقَالَ: وَاللهِ! لَا أُعْطِيكَ شَيْئًا، ثُمَّ إِنَّ الرَّجُلَ رَضِيَ، فَقَالَ: أَمَا وَاللهِ! لَوْلَا أَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ حَلَفَ عَلَىٰ يَمِينٍ ثُمَّ رَأَىٰ أَتْقَىٰ للهِ عَزَّ وَجَلَّ مِنْهَا، فَلْيَأْتِ التَّقْوَىٰ» مَا حَنَّثْتُ يَمِينِي.

[4276] 16 - (...) It was narrated that 'Adiyy bin Ḥâtim said: "The Messenger of Allâh ﷺ said: 'Whoever swears an oath, then sees that something else is better than it, let him do that which is better and ignore his oath.'"

[٤٢٧٦] ١٦-(...) وحَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ تَمِيمِ بْنِ طَرَفَةَ، عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: قَالَ رَسُولُ اللهِ ﷺ «مَنْ حَلَفَ عَلَىٰ يَمِينٍ، فَرَأَىٰ غَيْرَهَا خَيْرًا مِنْهَا، فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ، وَلْيَتْرُكْ يَمِينَهُ».

[4277] 17 - (...) It was narrated from Tamîm Aṭ-Ṭâ'î that 'Adiyy said: "The Messenger of Allâh ﷺ said: 'If one of you swears an oath, then he sees something that is better than it, let him offer expiation for it then do that which is better than it.'"

[٤٢٧٧] ١٧-(...) حَدَّثَنِي مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ وَمُحَمَّدُ بْنُ طَرِيفٍ الْبَجَلِيُّ - وَاللَّفْظُ لِابْنِ طَرِيفٍ - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنِ الْأَعْمَشِ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ تَمِيمٍ الطَّائِيِّ، عَنْ عَدِيٍّ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِذَا حَلَفَ أَحَدُكُمْ عَلَىٰ الْيَمِينِ،

فَرَأَىٰ خَيْرًا مِنْهَا، فَلْيُكَفِّرْهَا، وَلْيَأْتِ الَّذِي هُوَ خَيْرٌ».

**[4278] (...)** It was narrated from 'Adiyy bin Ḥâtim that he heard the Prophet ﷺ saying that (a *Ḥadîth* similar to no. 4277).

[٤٢٧٨] (...) **وحَدَّثَنَا** مُحَمَّدُ بْنُ طَرِيفٍ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ عَنِ الشَّيْبَانِيِّ، عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ، عَنْ تَمِيمٍ الطَّائِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ أَنَّهُ سَمِعَ النَّبِيَّ ﷺ يَقُولُ ذٰلِكَ.

**[4279] 18 - (...)** It was narrated that Tamîm bin Ṭarafah said: "I heard 'Adiyy bin Ḥâtim say, when a man came to him asking him for a hundred Dirham: 'Are you asking me for a hundred Dirham when I am the son of Ḥâtim? By Allâh, I will not give it to you.' Then he said: 'Were it not that I heard the Messenger of Allâh ﷺ say: "Whoever swears an oath, then sees something better than it, let him do that which is better."'

[٤٢٧٩] **١٨**-(...) **حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ تَمِيمِ بْنِ طَرَفَةَ قَالَ: سَمِعْتُ عَدِيَّ بْنَ حَاتِمٍ، وَأَتَاهُ رَجُلٌ يَسْأَلُهُ مِائَةَ دِرْهَمٍ، فَقَالَ: تَسْأَلُنِي مِائَةَ دِرْهَمٍ، وَأَنَا ابْنُ حَاتِمٍ؟ وَاللهِ! لَا أُعْطِيكَ ثُمَّ قَالَ: لَوْلَا أَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ «مَنْ حَلَفَ عَلَىٰ يَمِينٍ ثُمَّ رَأَىٰ خَيْرًا مِنْهَا، فَلْيَأْتِ الَّذِي هُوَ خَيْرٌ».

**[4280] (...)** Tamîm bin Ṭarafah said: "I heard 'Adiyy bin Ḥâtim, when a man asked him..." he mentioned a similar report (as no. 4279) and added: "You may have four hundred from me."

[٤٢٨٠] (...) **وَحَدَّثَنِي** مُحَمَّدُ بْنُ حَاتِمٍ: حَدَّثَنَا بَهْزٌ: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا سِمَاكُ بْنُ حَرْبٍ قَالَ: سَمِعْتُ تَمِيمَ بْنَ طَرَفَةَ قَالَ: سَمِعْتُ عَدِيَّ ابْنَ حَاتِمٍ، أَنَّ رَجُلًا سَأَلَهُ فَذَكَرَ مِثْلَهُ، وَزَادَ: وَلَكَ أَرْبَعُمِائَةٍ فِي عَطَائِي.

**[4281] 19 - (1652)** 'Abdur-Raḥmân bin Samurah said: "The Messenger of Allâh ﷺ said to

[٤٢٨١] **١٩**-(١٦٥٢) **وَحَدَّثَنَا** شَيْبَانُ ابْنُ فَرُّوخَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ: حَدَّثَنَا

me: 'O 'Abdur-Raḥmân bin Samurah, do not seek authority, for if you are given it when you ask for it, you will be left on your own without the support of Allâh. But if you are given it without asking for it, you will be helped (by Allâh). If you swear to do something then see that something else is better than it, then offer expiation for your oath and do that which is better.'"

الْحَسَنُ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ سَمُرَةَ قَالَ: قَالَ لِي رَسُولُ اللهِ ﷺ: «يَا عَبْدَ الرَّحْمَٰنِ بْنَ سَمُرَةَ! لَا تَسْأَلِ الْإِمَارَةَ، فَإِنَّكَ إِنْ أُعْطِيتَهَا عَنْ مَسْأَلَةٍ وُكِلْتَ إِلَيْهَا، وَإِنْ أُعْطِيتَهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا، وَإِذَا حَلَفْتَ عَلَىٰ أَمْرٍ فَرَأَيْتَ غَيْرَهَا خَيْرًا مِنْهَا فَكَفِّرْ عَنْ يَمِينِكَ، وَائْتِ الَّذِي هُوَ خَيْرٌ». [انظر: ٤٧١٥]

قَالَ أَبُو أَحْمَدَ الْجَلُودِيُّ: حدَّثَنَا أَبُو الْعَبَّاسِ الْمَاسَرْجَسِيُّ: حَدَّثنا شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ بهذا الْإِسْنَادِ.

**[4282] (...)** It was narrated from Al-Ḥasan, from 'Abdur-Raḥmân bin Samurah, from the Prophet ﷺ with this chain (a *Ḥadîth* similar to no. 4281), but in the *Ḥadîth* of Al-Mu'tamir from his father there is no mention of authority.

**[٤٢٨٢]** (...) وَحَدَّثَنِي عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ: حَدَّثَنَا هُشَيْمٌ عَنْ يُونُسَ وَمَنْصُورٍ وَحُمَيْدٍ؛ وَحَدَّثَنَا أَبُو كَامِلٍ الْجَحْدَرِيُّ: حَدَّثَنَا حَمَّادُ ابْنُ زَيْدٍ عَنْ سِمَاكِ بْنِ عَطِيَّةَ وَيُونُسَ بْنِ عُبَيْدٍ وَهِشَامِ ابْنِ حَسَّانَ فِي آخَرِينَ؛ وَحَدَّثَنَا عُبَيْدُ اللهِ ابْنُ مُعَاذٍ: حَدَّثَنَا الْمُعْتَمِرُ عَنْ أَبِيهِ؛ وَحَدَّثَنَا عُقْبَةُ بْنُ مُكْرَمٍ الْعَمِّيُّ: حَدَّثَنَا سَعِيدُ بْنُ عَامِرٍ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ كُلُّهُمْ عَنِ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ سَمُرَةَ عَنِ النَّبِيِّ ﷺ بِهَٰذَا الْحَدِيثِ، وَلَيْسَ فِي حَدِيثِ الْمُعتَمِرِ عَنْ أَبِيهِ، ذِكْرُ الْإِمَارَةِ.

## Chapter 4. An Oath Is Judged On The Intention Of The One Who Asks For It To Be Sworn

(المعجم ٤) - (بَابُ اليمين على نية المستحلِف) (التحفة ٩)

**[4283] 20 - (1653)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'Your oath is according to what your companion believes.'"

[٤٢٨٣] ٢٠-(١٦٥٣) حَدَّثَنَا يَحْيَىٰ بْنُ يَحْيَىٰ وَعَمْرٌو النَّاقِدُ - قَالَ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمُ بْنُ بَشِيرٍ عَنْ عَبْدِ اللهِ بْنِ أَبِي صَالِحٍ، وَقَالَ عَمْرٌو: حَدَّثَنَا هُشَيْمُ ابْنُ بَشِيرٍ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ أَبِي صَالِحٍ - عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «يَمِينُكَ عَلَىٰ مَا يُصَدِّقُكَ عَلَيْهِ صَاحِبُكَ»، وَقَالَ عَمْرٌو «يُصَدِّقُكَ بِهِ صَاحِبُكَ».

**[4284] 21 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The oath is according to the intention of the one who asks for it to be sworn.'"

[٤٢٨٤] ٢١-(...) وحَدَّثَنَاهُ أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَزِيدُ بْنُ هٰرُونَ عَنْ هُشَيْمٍ، عَنْ عَبَّادِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الْيَمِينُ عَلَىٰ نِيَّةِ الْمُسْتَحْلِفِ».

## Chapter 5. Saying: "If Allâh wills" When Swearing Oaths And At Other Times

(المعجم ٥) - (بَابُ الاستثناء في اليمين وغيرها) (التحفة ١٠)

**[4285] 22 - (1654)** It was narrated that Abû Hurairah said: "Sulaimân had sixty women and he said: 'I will go around to all of them tonight, and each of them will become pregnant, and each of them will give birth to a boy who will become a knight who will fight in the cause of Allâh.

[٤٢٨٥] ٢٢-(١٦٥٤) وَحَدَّثَنِي أَبُو الرَّبِيعِ الْعَتَكِيُّ وَأَبُو كَامِلٍ الْجَحْدَرِيُّ فُضَيْلُ بْنُ حُسَيْنٍ - وَاللَّفْظُ لِأَبِي الرَّبِيعِ - قَالَا: حَدَّثَنَا حَمَّادٌ - وَهُوَ ابْنُ زَيْدٍ -: حَدَّثَنَا أَيُّوبُ عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ لِسُلَيْمَانَ سِتُّونَ امْرَأَةً، فَقَالَ:

But none of them became pregnant except one, who gave birth to an malformed child." The Messenger of Allâh ﷺ said: "If he had said: 'If Allâh wills,' each of them would have given birth to a boy who would become a knight who would fight in the cause of Allâh."

لَأَطُوفَنَّ عَلَيْهِنَّ اللَّيْلَةَ، فَتَحْمِلُ كُلُّ وَاحِدَةٍ مِنْهُنَّ، فَتَلِدُ كُلُّ وَاحِدَةٍ مِنْهُنَّ غُلَامًا فَارِسًا، يُقَاتِلُ فِي سَبِيلِ اللهِ، فَلَمْ تَحْمِلْ مِنْهُنَّ إِلَّا وَاحِدَةٌ، فَوَلَدَتْ نِصْفَ إِنْسَانٍ، فَقَالَ رَسُولُ اللهِ ﷺ: «لَوْ كَانَ اسْتَثْنَى، لَوَلَدَتْ كُلُّ وَاحِدَةٍ مِنْهُنَّ غُلَامًا فَارِسًا، يُقَاتِلُ فِي سَبِيلِ اللهِ».

**[4286] 23 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Sulaimân bin Dâwûd, the Prophet of Allâh, said: 'Tonight I will go around to seventy women, each of whom will give birth to a boy who will fight in the cause of Allâh.' His companion, or the Angel, said: 'Say: "If Allâh wills."' But he did not say it, or he was caused to forget, and none of his women gave birth to a child except one, who gave birth to a deformed child." The Messenger of Allâh ﷺ said: "If he had said: 'If Allâh wills,' he would not have broken his oath, and that would have been a means of attaining what he hoped for."

[٤٢٨٦] **٢٣**-(...) **وحَدَّثَنَا** مُحَمَّدُ ابْنُ عَبَّادٍ وَابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لِابْنِ أَبِي عُمَرَ - قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ هِشَامِ بْنِ حُجَيْرٍ، عَنْ طَاوُسٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «قَالَ سُلَيْمَانُ ابْنُ دَاوُدَ نَبِيُّ اللهِ: لَأُطِيفَنَّ اللَّيْلَةَ عَلَىٰ سَبْعِينَ امْرَأَةً، كُلُّهُنَّ تَأْتِي بِغُلَامٍ يُقَاتِلُ فِي سَبِيلِ اللهِ، فَقَالَ لَهُ صَاحِبُهُ، أَوِ الْمَلَكُ: قُلْ: إِنْ شَاءَ اللهُ، فَلَمْ يَقُلْ، وَنَسِيَ فَلَمْ تَأْتِ وَاحِدَةٌ مِنْ نِسَائِهِ، إِلَّا وَاحِدَةٌ جَاءَتْ بِشِقِّ غُلَامٍ»، قَالَ رَسُولُ اللهِ ﷺ: «وَلَوْ قَالَ: إِنْ شَاءَ اللهُ، لَمْ يَحْنَثْ، وَكَانَ دَرَكًا لَهُ فِي حَاجَتِهِ».

**[4287] (...)** A similar report (as no. 4286) was narrated from Abû Hurairah, from the Prophet ﷺ.

[٤٢٨٧] (...) **حَدَّثَنَا** ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ، عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ. مِثْلَهُ أَوْ نَحْوَهُ.

**[4288] 24 - (...)** It was narrated that Abû Hurairah said: "Sulaimân bin Dâwûd said: 'Tonight I will go around to seventy women and each of them will give birth to a boy who will fight in the cause of Allâh.' It was said to him: 'Say: "If Allâh wills,"' but he did not say it. He went around to them, but none of them gave birth except one woman, who gave birth to an malformed child." The Messenger of Allâh ﷺ said: "If he had said 'If Allâh wills,' he would not have broken his oath, and that could have been a means of fulfilling his wish."

**[٤٢٨٨] ٢٤-(...)** وحَدَّثَنَا عَبْدُ ابْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ بْنُ هَمَّامٍ: أَخْبَرَنَا مَعْمَرٌ عَنِ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ سُلَيْمَانُ بْنُ دَاوُدَ: لأُطِيفَنَّ اللَّيْلَةَ عَلَىٰ سَبْعِينَ امْرَأَةً، تَلِدُ كُلُّ امْرَأَةٍ مِنْهُنَّ غُلَامًا، يُقَاتِلُ فِي سَبِيلِ اللهِ، فَقِيلَ لَهُ: قُلْ: إِنْ شَاءَ اللهُ، فَلَمْ يَقُلْ، فَأَطَافَ بِهِنَّ، فَلَمْ تَلِدْ مِنْهُنَّ إِلَّا امْرَأَةٌ وَاحِدَةٌ، نِصْفَ إِنْسَانٍ، قَالَ: فَقَالَ رَسُولُ اللهِ ﷺ: «لَوْ قَالَ: إِنْ شَاءَ اللهُ، لَمْ يَحْنَثْ، وَكَانَ دَرَكًا لِحَاجَتِهِ».

**[4289] 25 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Sulaimân bin Dâwûd said: 'Tonight I will go around to ninety women, and each of them will give birth to a knight who will fight in the cause of Allâh.' His companion said to him: 'Say "If Allâh wills."' But he did not say 'If Allâh wills,' and he went round to all of them. None of them became pregnant except one woman, who gave birth to a deformed child. By the One in Whose Hand is the soul of Muḥammad, if he had said 'If Allâh wills,' they would all have been knights, striving in the cause of Allâh."

**[٤٢٨٩] ٢٥-(...)** حَدَّثَنَا زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنِي شَبَابَةُ: حَدَّثَنِي وَرْقَاءُ، عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «قَالَ سُلَيْمَانُ بْنُ دَاوُدَ: لَأَطُوفَنَّ اللَّيْلَةَ عَلَىٰ تِسْعِينَ امْرَأَةً، كُلُّهَا تَأْتِي بِفَارِسٍ يُقَاتِلُ فِي سَبِيلِ اللهِ، فَقَالَ لَهُ صَاحِبُهُ: قُلْ إِنْ شَاءَ اللهُ، فَلَمْ يَقُلْ إِنْ شَاءَ اللهُ، فَطَافَ عَلَيْهِنَّ جَمِيعًا، فَلَمْ تَحْمِلْ مِنْهُنَّ إِلَّا امْرَأَةٌ وَاحِدَةٌ، فَجَاءَتْ بِشِقِّ رَجُلٍ، وَايْمُ الَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ! لَوْ قَالَ: إِنْ شَاءَ اللهُ، لَجَاهَدُوا فِي سَبِيلِ اللهِ فُرْسَانًا أَجْمَعُونَ».

**[4290] (...)** A similar report (as no. 4289) was narrated from Abû Az-Zinnâd with this chain, except that he said: "They all would have borne a boy who would strive in the cause of Allâh, may He be exalted."

[٤٢٩٠] (...) وَحَدَّثَنِيهِ سُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنَا حَفْصُ بْنُ مَيْسَرَةَ عَنْ مُوسَى ابْنِ عُقْبَةَ، عَنْ أَبِي الزِّنَادِ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ، غَيْرَ أَنَّهُ قَالَ: «كُلُّهَا تَحْمِلُ غُلَامًا يُجَاهِدُ فِي سَبِيلِ اللهِ تَعَالَىٰ».

## Chapter 6. The Prohibition Of Persisting In An Oath That Will Harm The Family Of The One Who Swears It, So Long As Not Persisting In It Does Not Involve Anything Unlawful

## (المعجم ٦) - (بَابُ النهي عن الإصرار على اليمين، فيما يتأذى به أهل الحالف، مما ليس بحرام) (التحفة ١١)

**[4291] 26 - (1655)** It was narrated that Hammâm bin Munabbih said: "This is what Abû Hurairah narrated to us from the Messenger of Allâh ﷺ." He mentioned a number of *Aḥadîth* including the following: "The Messenger of Allâh ﷺ said: 'By Allâh, if one of you persist in an oath concerning his family, that is more sinful before Allâh than offering the expiation that has been enjoined by Allâh.'"

[٤٢٩١] ٢٦-(١٦٥٥) وَحَدَّثَنَا مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَٰذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ، فَذَكَرَ أَحَادِيثَ مِنْهَا: وَقَالَ رَسُولُ اللهِ ﷺ: «وَاللهِ! لَأَنْ يَلَجَّ أَحَدُكُمْ بِيَمِينِهِ فِي أَهْلِهِ، آثَمُ لَهُ عِنْدَ اللهِ مِنْ أَنْ يُعْطِيَ كَفَّارَتَهُ الَّتِي فَرَضَ اللهُ».

## Chapter 7. The Vow Of A Disbeliever, And What He Should Do About It If He Becomes A Muslim

## (المعجم ٧) - (بَابُ نذر الكافر، وما يفعل فيه إذا أسلم) (التحفة ١٢)

**[4292] 27 - (1656)** It was narrated from Ibn 'Umar that 'Umar said: "O Messenger of Allâh, during the *Jâhiliyyah* I vowed that I would spend a night in *I'tikâf* in *Al-Masjid Al-Ḥarâm*." He said: "Fulfill your vow."

[٤٢٩٢] ٢٧-(١٦٥٦) حَدَّثَنَا مُحَمَّدُ ابْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ وَمُحَمَّدُ ابْنُ الْمُثَنَّىٰ، وَزُهَيْرُ بْنُ حَرْبٍ - وَاللَّفْظُ لِزُهَيْرٍ - قَالُوا: حَدَّثَنَا يَحْيَىٰ - وَهُوَ ابْنُ سَعِيدٍ

الْقَطَّانُ، عَنْ عُبَيْدِ اللهِ، قَالَ: أَخْبَرَنِي نَافِعٌ عَنِ ابْنِ عُمَرَ أَنَّ عُمَرَ قَالَ: يَا رَسُولَ اللهِ! إِنِّي نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ لَيْلَةً فِي الْمَسْجِدِ الْحَرَامِ، قَالَ: «فَأَوْفِ بِنَذْرِكَ».

**[4293] (...)** This *Ḥadîth* (which is similar to no. 4291) was narrated from Ibn 'Umar. As for Abû Usâmah and Ath-Thaqafî, their *Ḥadîth* mentions *I'tikâf* for one night. As for Shu'bah, he said: "He obliged himself to spend a day in *I'tikâf*." In the *Ḥadîth* there is no mention of a day or a night.

**[٤٢٩٣] (...) حَدَّثَنَا** أَبُو سَعِيدٍ الْأَشَجُّ: حَدَّثَنَا أَبُو أُسَامَةَ، وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْوَهَّابِ يَعْنِي الثَّقَفِيَّ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْعَلَاءِ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ، جَمِيعًا، عَنْ حَفْصِ بْنِ غِيَاثٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو بْنِ جَبَلَةَ بْنِ أَبِي رَوَّادٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ كُلُّهُمْ عَنْ عُبَيْدِ اللهِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، قَالَ حَفْصٌ مِنْ بَيْنِهِمْ: عَنْ عُمَرَ، بِهَٰذَا الْحَدِيثِ، أَمَّا أَبُو أُسَامَةَ وَالثَّقَفِيُّ فَفِي حَدِيثِهِمَا: اعْتِكَافُ لَيْلَةٍ، وَأَمَّا فِي حَدِيثِ شُعْبَةَ فَقَالَ: جَعَلَ عَلَيْهِ يَوْمًا يَعْتَكِفُهُ، وَلَيْسَ فِي حَدِيثِ حَفْصٍ ذِكْرُ يَوْمٍ وَلَا لَيْلَةٍ.

**[4294] 28 - (...)** 'Abdullâh bin 'Umar narrated that 'Umar bin Al-Khaṭṭâb asked the Messenger of Allâh ﷺ when he was in Al-Jir'ânah, after he had come back from Aṭ-Ṭâ'if: "O Messenger of Allâh, during the *Jâhiliyyah* I

**[٤٢٩٤] ٢٨-(...) وحَدَّثَنِي** أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ: أَنَّ أَيُّوبَ حَدَّثَهُ: أَنَّ نَافِعًا حَدَّثَهُ: أَنَّ عَبدَ اللهِ ابْنَ عُمَرَ

vowed that I would spend a day in *I'tikâf* in *Al-Masjid Al-Ḥarâm*. What do you think?" He said: "Go and spend a day in *I'tikâf*."

He said: "And the Messenger of Allâh ﷺ had given him a slave woman from the *Khums*, but when the Messenger of Allâh ﷺ freed the captives, 'Umar bin Al-Khaṭṭâb heard their voices saying: 'The Messenger of Allâh ﷺ has set us free.' He said: 'What is this?' They said: 'The Messenger of Allâh ﷺ has set the prisoners free.' 'Umar said: 'O 'Abdullâh, go to that slave woman and set her free.'"

حَدَّثَهُ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ سَأَلَ رَسُولَ اللهِ ﷺ، وَهُوَ بِالْجِعْرَانَةِ، بَعْدَ أَنْ رَجَعَ مِنَ الطَّائِفِ، فَقَالَ: يَا رَسُولَ اللهِ! إِنِّي نَذَرْتُ فِي الْجَاهِلِيَّةِ أَنْ أَعْتَكِفَ يَوْمًا فِي الْمَسْجِدِ الْحَرَامِ، فَكَيْفَ تَرَىٰ؟ قَالَ: «اذْهَبْ فَاعْتَكِفْ يَوْمًا».

قَالَ: وَكَانَ رَسُولُ اللهِ ﷺ قَدْ أَعْطَاهُ جَارِيَةً مِنَ الْخُمُسِ، فَلَمَّا أَعْتَقَ رَسُولُ اللهِ ﷺ سَبَايَا النَّاسِ، سَمِعَ عُمَرُ بْنُ الْخَطَّابِ أَصْوَاتَهُمْ يَقُولُونَ: أَعْتَقَنَا رَسُولُ اللهِ ﷺ، فَقَالَ: مَا هٰذَا؟ فَقَالُوا: أَعْتَقَ رَسُولُ اللهِ ﷺ سَبَايَا النَّاسِ، فَقَالَ عُمَرُ: يَا عَبْدَ اللهِ! اذْهَبْ إِلَىٰ تِلْكَ الْجَارِيَةِ فَخَلِّ سَبِيلَهَا.

**[4295] (...)** It was narrated that Ibn 'Umar said: "When the Prophet ﷺ came back from Ḥunain, 'Umar asked the Messenger of Allâh ﷺ about a vow that he had made during the *Jâhiliyyah*, to observe *I'tikâf* for one day." Then he mentioned a *Ḥadîth* like that of Jarîr bin Ḥâzim (no. 4294).

**[٤٢٩٥]** (...) **وحدّثنا** عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: لَمَّا قَفَلَ النَّبِيُّ ﷺ مِنْ حُنَيْنٍ، سَأَلَ عُمَرُ رَسُولَ اللهِ ﷺ عَنْ نَذْرٍ كَانَ نَذَرَهُ فِي الْجَاهِلِيَّةِ، اعْتِكَافِ يَوْمٍ، ثُمَّ ذَكَرَ بِمَعْنَىٰ حَدِيثِ جَرِيرِ بْنِ حَازِمٍ.

**[4296] (...)** It was narrated that Nâfi' said: "Mention was made in the presence of Ibn 'Umar of the *'Umrah* of the Messenger of Allâh ﷺ from Al-Jir'ânah. He

**[٤٢٩٦]** (...) **وحَدَّثنا** أَحْمَدُ بْنُ عَبْدَةَ الضَّبِّيُّ حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ: حَدَّثَنَا أَيُّوبُ عَنْ نَافِعٍ قَالَ: ذُكِرَ عِنْدَ ابْنِ عُمَرَ: عُمْرَةُ

said: 'He did not perform *'Umrah* from there.' He said: 'And 'Umar had made a vow during the *Jâhiliyyah* to observe *I'tikâf* for one night.''' Then he mentioned a *Ḥadîth* like that of Jarîr bin Ḥâzim and Ma'mar, from Ayyûb (no. 4294, 4295).

رَسُولِ اللهِ ﷺ مِنَ الْجِعْرَانَةِ، فَقَالَ: لَمْ يَعْتَمِرْ مِنْهَا، قَالَ: وَكَانَ عُمَرُ نَذَرَ اعْتِكَافَ لَيْلَةٍ فِي الْجَاهِلِيَّةِ. ثُمَّ ذَكَرَ نَحْوَ حَدِيثِ جَرِيرِ بْنِ حَازِمٍ وَمَعْمَرٍ، عَنْ أَيُّوبَ.

**[4297] (...)** This *Ḥadîth* about vows was narrated from Ibn 'Umar (a *Ḥadîth* similar to no. 4294). In both their *Aḥadîth* it mentions *I'tikâf* for one day.

**[٤٢٩٧] (...) وحَدَّثَني** عَبْدُ اللهِ بْنُ عَبْدِ الرَّحْمَٰنِ الدَّارِمِيُّ: حَدَّثَنَا حَجَّاجُ بْنُ الْمِنْهَالِ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ؛ وَحَدَّثَنَا يَحْيَى بْنُ خَلَفٍ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، كِلَاهُمَا عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ بِهَٰذَا الْحَدِيثِ فِي النَّذْرِ، وَفِي حَدِيثِهِمَا جَمِيعًا: اعْتِكَافُ يَوْمٍ.

## Chapter 8. Treatment Of Slaves, And The Expiation Of One Who Slaps His Slave

## (المعجم ٨) - (بَابُ صحبة المماليك، - وكفارة من لطم عبده) (التحفة ١٣)

**[4298] 29 - (1657)** It was narrated that Zadân bin Abî 'Umar said: "I came to Ibn 'Umar who had freed a slave. He picked up a stick or something from the ground and said: 'There is no more reward in it than the equivalent of this, but I heard the Messenger of Allâh ﷺ say: "Whoever slaps his slave or beats him, his expiation is to manumit him."

**[٤٢٩٨] ٢٩-(١٦٥٧) حَدَّثَني** أَبُو كَامِلٍ فُضَيْلُ بْنُ حُسَيْنٍ الْجَحْدَرِيُّ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ فِرَاسٍ، عَنْ ذَكْوَانَ أَبِي صَالِحٍ، عَنْ زَاذَانَ أَبِي عُمَرَ قَالَ: أَتَيْتُ ابْنَ عُمَرَ، وَقَدْ أَعْتَقَ مَمْلُوكًا، قَالَ: فَأَخَذَ مِنَ الْأَرْضِ عُودًا أَوْ شَيْئًا، فَقَالَ: مَا فِيهِ مِنَ الْأَجْرِ مَا يَسْوَىٰ هَٰذَا، إِلَّا أَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ لَطَمَ مَمْلُوكَهُ أَوْ ضَرَبَهُ فَكَفَّارَتُهُ أَنْ يُعْتِقَهُ».

[4299] 30 - (...) It was narrated from Zadân that Ibn 'Umar called a slave of his and he saw marks on his back. He said to him: "Have I caused you pain?" He said: "No." He said: "You are free."

Then he picked up something from the ground and said: "I will not have any reward for it, not even the weight of this. I heard the Messenger of Allâh ﷺ say: 'Whoever beats a slave without him having done anything to deserve it, or slaps him, his expiation is to manumit him.'"

[٤٢٩٩] ٣٠-(...) وحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ - وَاللَّفْظُ لابْنِ الْمُثَنَّىٰ - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ فِرَاسٍ قَالَ: سَمِعْتُ ذَكْوَانَ يُحَدِّثُ عَنْ زَاذَانَ: أَنَّ ابْنَ عُمَرَ دَعَا بِغُلَامٍ لَهُ، فَرَأَىٰ بِظَهْرِهِ أَثَرًا، فَقَالَ لَهُ: أَوْجَعْتُكَ؟ قَالَ: لَا، قَالَ: فَأَنْتَ عَتِيقٌ.

قَالَ: ثُمَّ أَخَذَ شَيْئًا مِنَ الْأَرْضِ فَقَالَ: مَا لِي فِيهِ مِنَ الْأَجْرِ مَا يَزِنُ هَٰذَا، إِنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «مَنْ ضَرَبَ غُلَامًا لَهُ حَدًّا لَمْ يَأْتِهِ، أَوْ لَطَمَهُ، فَإِنَّ كَفَّارَتَهُ أَنْ يُعْتِقَهُ».

[4300]... - (...) It was narrated from Firâs with the chain of Shu'bah and Abû 'Awânah (a *Hadîth* similar to no. 4299). As for the *Hadîth* of Ibn Mahdî, it says: "Without him having done anything to deserve it". In the *Hadîth* of Wakî' it says: "Whoever slaps his slave" and does not mention "Without him having done anything to deserve it."

[٤٣٠٠] (...) وحَدَّثَنَاه أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنِي مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ، كِلَاهُمَا عَنْ سُفْيَانَ، عَنْ فِرَاسٍ بِإِسْنَادِ شُعْبَةَ وَأَبِي عَوَانَةَ، أَمَّا حَدِيثُ ابْنِ مَهْدِيٍّ فَذَكَرَ فِيهِ «حَدًّا لَمْ يَأْتِهِ»، وَفِي حَدِيثِ وَكِيعٍ «مَنْ لَطَمَ عَبْدَهُ» وَلَمْ يَذْكُرِ الْحَدَّ.

[4301] 31 - (1658) It was narrated that Mu'âwiyah bin Suwaid said: "I slapped a freed slave of ours and he ran away. Then I came just before *Zuhr* and prayed behind my father. He called him, and called for me, then he said: 'Do to him what he

[٤٣٠١] ٣١-(١٦٥٨) حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللهِ ابْنُ نُمَيْرٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا أَبِي: حَدَّثَنَا سُفْيَانُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ مُعَاوِيَةَ بْنِ سُوَيْدٍ قَالَ: لَطَمْتُ

did to you,' but he let me go. Then he said: 'At the time of the Messenger of Allâh ﷺ, we Banû Muqarrin had only one servant. One of us slapped her and news of that reached the Prophet ﷺ. He said: 'Manumit her.' They said: 'They do not have any other servant.' He said: 'Then let them keep her, and when they no longer need her, they should let her go.'"

مَوْلًى لَنَا فَهَرَبْتُ، ثُمَّ جِئْتُ قُبَيْلَ الظُّهْرِ، فَصَلَّيْتُ خَلْفَ أَبِي، فَدَعَاهُ وَدَعَانِي، ثُمَّ قَالَ: امْتَثِلْ مِنْهُ، فَعَفَا، ثُمَّ قَالَ: كُنَّا بَنِي مُقَرِّنٍ، عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، لَيْسَ لَنَا إِلَّا خَادِمٌ وَاحِدَةٌ، فَلَطَمَهَا أَحَدُنَا، فَبَلَغَ ذٰلِكَ النَّبِيَّ ﷺ فَقَالَ «أَعْتِقُوهَا» قَالُوا: لَيْسَ لَهُمْ خَادِمٌ غَيْرُهَا، قَالَ: «فَلْيَسْتَخْدِمُوهَا، فَإِذَا اسْتَغْنَوْا عَنْهَا، فَلْيُخَلُّوا سَبِيلَهَا».

**[4302] 32 - (...)** It was narrated that Hilâl bin Yasâf said: "An old man got angry and slapped a servant of his. Suwaid bin Muqarrin said to him: 'Could you not find any part other than her face? I remember when I was the seventh of seven sons of Banû Muqarrin and we had no servant but one woman. The youngest of us slapped her and the Messenger of Allâh ﷺ commanded us to manumit her.'"

**[٤٣٠٢] ٣٢-(...)** وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَا: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ حُصَيْنٍ، عَنْ هِلَالِ بْنِ يَسَافٍ قَالَ: عَجِلَ شَيْخٌ فَلَطَمَ خَادِمًا لَهُ، فَقَالَ لَهُ سُوَيْدُ بْنُ مُقَرِّنٍ: عَجَزَ عَلَيْكَ إِلَّا حُرُّ وَجْهِهَا؟ لَقَدْ رَأَيْتُنِي سَابِعَ سَبْعَةٍ مِنْ بَنِي مُقَرِّنٍ، مَا لَنَا خَادِمٌ إِلَّا وَاحِدَةٌ، لَطَمَهَا أَصْغَرُنَا، فَأَمَرَنَا رَسُولُ اللهِ ﷺ أَنْ نُعْتِقَهَا.

**[4303] (...)** It was narrated that Hilâl bin Yasâf said: "We used to sell cloth in the house of Suwaid bin Muqarrin, the brother of An-Nu'mân bin Muqarrin. A slave woman came out and said something to one of us, and he slapped her and Suwaid got angry..." a *Hadîth* like that of Ibn Idrîs (no. 4302).

**[٤٣٠٣] (...)** وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ شُعْبَةَ، عَنْ حُصَيْنٍ، عَنْ هِلَالِ ابْنِ يَسَافٍ قَالَ: كُنَّا نَبِيعُ الْبَزَّ فِي دَارِ سُوَيْدِ بْنِ مُقَرِّنٍ، أَخِي النُّعْمَانِ بْنِ مُقَرِّنٍ، فَخَرَجَتْ جَارِيَةٌ، فَقَالَتْ لِرَجُلٍ مِنَّا كَلِمَةً،

فَلَطَمَهَا، فَغَضِبَ سُوَيْدٌ، فَذَكَرَ نَحْوَ حَدِيثِ ابْنِ إِدْرِيسَ.

[4304] 33 - (...) Shu'bah narrated: "Muhammad bin Al-Munkadir said to me: 'What is your name?' I said: 'Shu'bah.' Muhammad said: 'Abû Shu'bah Al-'Irâqî narrated to me from Suwaid bin Muqarrin that someone slapped a slave woman of his. Suwaid said to him: Do you not know that hitting the face is unlawful? He said: I remember when I was the seventh of my brothers, with the Messenger of Allâh ﷺ, and we only had one servant. One of us went and slapped him, and the Messenger of Allâh ﷺ commanded us to manumit him.'"

[٤٣٠٤] ٣٣-(...) **وحَدَّثَنَا** عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ: حَدَّثَنِي أَبِي: حَدَّثَنَا شُعْبَةُ: قَالَ لِي مُحَمَّدُ بْنُ الْمُنْكَدِرِ: مَا اسْمُكَ؟ قُلْتُ: شُعْبَةُ، فَقَالَ مُحَمَّدٌ: حَدَّثَنِي أَبُو شُعْبَةَ الْعِرَاقِيُّ، عَنْ سُوَيْدِ بْنِ مُقَرِّنٍ أَنَّ جَارِيَةً لَهُ لَطَمَهَا إِنْسَانٌ، فَقَالَ لَهُ سُوَيْدٌ: أَمَا عَلِمْتَ أَنَّ الصُّورَةَ مُحَرَّمَةٌ؟ فَقَالَ: لَقَدْ رَأَيْتُنِي، وَإِنِّي لَسَابِعُ إِخْوَةٍ لِي، مَعَ رَسُولِ اللهِ ﷺ، وَمَا لَنَا خَادِمٌ غَيْرُ وَاحِدٍ، فَعَمَدَ أَحَدُنَا فَلَطَمَهُ، فَأَمَرَنَا رَسُولُ اللهِ ﷺ أَنْ نُعْتِقَهُ.

[4305] (...) It was narrated from Wahb bin Jarîr: "Shu'bah told us: 'Muhammad bin Al-Munkadir said to me: What is your name?'" And he mentioned a *Hadîth* like that of 'Abdus-Samad (no. 4304).

[٤٣٠٥] (...) **حَدَّثَنَاه** إِسْحَقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ الْمُثَنَّى، عَنْ وَهْبِ بْنِ جَرِيرٍ: أَخْبَرَنَا شُعْبَةُ: قَالَ لِي مُحَمَّدُ بْنُ الْمُنْكَدِرِ: مَا اسْمُكَ؟ فَذَكَرَ بِمِثْلِ حَدِيثِ عَبْدِ الصَّمَدِ.

[4306] 34 - (1659) It was narrated from Ibrâhîm At-Taimî that his father said: 'Abû Mas'ûd Al-Badrî said: "I was beating a slave of mine with a whip when I heard a voice behind me (saying): 'You should realize, Abû Mas'ûd!' But I did not understand the voice because I was so angry. When he came close to me, I saw that it was

[٤٣٠٦] ٣٤-(١٦٥٩) **حَدَّثَنَا** أَبُو كَامِلٍ الْجَحْدَرِيُّ: حَدَّثَنَا عَبْدُ الْوَاحِدِ يَعْنِي ابْنَ زِيَادٍ: حَدَّثَنَا الْأَعْمَشُ عَنْ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ أَبِيهِ قَالَ: قَالَ أَبُو مَسْعُودٍ الْبَدْرِيُّ: كُنْتُ أَضْرِبُ غُلَامًا لِي بِالسَّوْطِ، فَسَمِعْتُ صَوْتًا مِنْ خَلْفِي:

the Messenger of Allâh ﷺ and he was saying: 'You should realize, Abû Mas'ûd! 'You should realize, Abû Mas'ûd!' I threw down the whip that was in my hand and he said: 'You should realize, Abû Mas'ûd, that Allâh has more power over you than you have over this slave.' I said: 'I will never beat a slave again after this.'"

«اعْلَمْ أَبَا مَسْعُودٍ!» فَلَمْ أَفْهَمِ الصَّوْتَ مِنَ الْغَضَبِ، قَالَ: فَلَمَّا دَنَا مِنِّي، إِذَا هُوَ رَسُولُ اللهِ ﷺ، فَإِذَا هُوَ يَقُولُ: «اعْلَمْ أَبَا مَسْعُودٍ! اعْلَمْ أَبَا مَسْعُودٍ!» قَالَ: فَأَلْقَيْتُ السَّوْطَ مِنْ يَدِي، فَقَالَ: «اعْلَمْ، أَبَا مَسْعُودٍ! أَنَّ اللهَ أَقْدَرُ عَلَيْكَ مِنْكَ عَلَىٰ هَٰذَا الْغُلَامِ» قَالَ: فَقُلْتُ: لَا أَضْرِبُ مَمْلُوكًا بَعْدَهُ أَبَدًا.

**[4307] (...)** A similar *Hadîth* (as no. 4306) was narrated from Al-A'mash with this chain, except that in the *Hadîth* of Jarîr it says: "The whip fell from my hand, out of awe towards him."

[٤٣٠٧] (...) **وحَدَّثَنَاه** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا مُحَمَّدُ بْنُ حُمَيْدٍ وَهُوَ الْمَعْمَرِيُّ، عَنْ سُفْيَانَ؛ وَحَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا سُفْيَانُ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَّانُ: حَدَّثَنَا أَبُو عَوَانَةَ، كُلُّهُمْ عَنِ الْأَعْمَشِ بِإِسْنَادِ عَبْدِ الْوَاحِدِ، نَحْوَ حَدِيثِهِ، غَيْرَ أَنَّ فِي حَدِيثِ جَرِيرٍ: فَسَقَطَ مِنْ يَدِي السَّوْطُ، مِنْ هَيْبَتِهِ.

**[4308] 35 - (...)** It was narrated that Abû Mas'ûd Al-Anṣârî said: "I was beating a slave of mine, and I heard a voice behind me (saying): 'You should realize, Abû Mas'ûd, that Allâh has more power over you than you have over him.' I turned around, and I saw the Messenger of Allâh ﷺ. I said: 'O Messenger of Allâh, he is

[٤٣٠٨] **٣٥**-(...) **حَدَّثَنَا** أَبُو كُرَيْبٍ مُحَمَّدُ ابْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ، عَنْ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ قَالَ: كُنْتُ أَضْرِبُ غُلَامًا لِي، فَسَمِعْتُ مِنْ خَلْفِي صَوْتًا: «اعْلَمْ، أَبَا

free for the Face of Allâh.' He said: 'If you had not done that, the Fire would have scorched you,' or 'the Fire would have touched you.'"

مَسْعُودٍ! للهُ أَقْدَرُ عَلَيْكَ مِنْكَ عَلَيْهِ» فَالْتَفَتُّ فَإِذَا هُوَ رَسُولُ اللهِ ﷺ، فَقُلْتُ: يَا رَسُولَ اللهِ! هُوَ حُرٌّ لِوَجْهِ اللهِ، فَقَالَ: «أَمَا لَوْ لَمْ تَفْعَلْ، لَلَفَحَتْكَ النَّارُ، أَوْ لَمَسَّتْكَ النَّارُ».

[4309] 36 - (...) It was narrated from Abû Mas'ûd that he was beating a slave of his, and he (the slave) started saying: "I seek refuge in Allâh." He carried on beating him, so he said: "I seek refuge in the Messenger of Allâh, and he stopped beating him." The Messenger of Allâh ﷺ said: "By Allâh, Allâh has more power over you than you have over him." Then he set him free.

[٤٣٠٩] ٣٦-(...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّىٰ - قَالَا: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، عَنْ شُعْبَةَ، عَنْ سُلَيْمَانَ، عَنْ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي مَسْعُودٍ أَنَّهُ كَانَ يَضْرِبُ غُلَامَهُ، فَجَعَلَ يَقُولُ: أَعُوذُ بِاللهِ، قَالَ: فَجَعَلَ يَضْرِبُهُ، فَقَالَ: أَعُوذُ بِرَسُولِ اللهِ، فَتَرَكَهُ، فَقَالَ رَسُولُ اللهِ ﷺ: «وَاللهِ! للهُ أَقْدَرُ عَلَيْكَ مِنْكَ عَلَيْهِ» قَالَ: فَأَعْتَقَهُ.

[4310] (...) It was narrated from Shu'bah with this chain (a *Hadîth* similar to no. 4309), but he did not mention the words: "I seek refuge in Allâh, I seek refuge in the Messenger of Allâh."

[٤٣١٠] (...) وَحَدَّثَنِيهِ بِشْرُ بْنُ خَالِدٍ: أَخْبَرَنَا مُحَمَّدٌ يَعْنِي ابْنَ جَعْفَرٍ، عَنْ شُعْبَةَ بِهَٰذَا الْإِسْنَادِ، وَلَمْ يَذْكُرْ قَوْلَهُ: أَعُوذُ بِاللهِ، أَعُوذُ بِرَسُولِ اللهِ.

## Chapter 9. Stern Warning Against Accusing A Slave Of Fornication

## (المعجم ٩) - (بَابُ التغليظ على من قذف مملوكه بالزنى) (التحفة ١٤)

[4311] 37 - (1660) Abû Hurairah said: Abul-Qâsim ﷺ said: "Whoever accuses his slave of fornication, the *Hadd* punishment

[٤٣١١] ٣٧-(١٦٦٠) وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ نُمَيْرٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ:

will be carried out against him on the Day of Resurrection, unless he is as he said."

حَدَّثَنَا أَبِي: حَدَّثَنَا فُضَيْلُ ابْنُ غَزْوَانَ قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَٰنِ بْنَ أَبِي نُعْمٍ: حَدَّثَنِي أَبُو هُرَيْرَةَ قَالَ: قَالَ أَبُو الْقَاسِمِ ﷺ: «مَنْ قَذَفَ مَمْلُوكَهُ بِالزِّنَا، يُقَامُ عَلَيْهِ الْحَدُّ يَوْمَ الْقِيَامَةِ، إِلَّا أَنْ يَكُونَ كَمَا قَالَ».

**[4312]... - (...)** It was narrated from Fuḍail bin Ghazwân (a *Ḥadîth* similar to no. 4311) with this chain. In their *Ḥadîth* it says: "I heard Abul-Qâsim ﷺ, the Prophet of repentance."

**[٤٣١٢] (...) وحَدَّثَنَاه** أَبُو كُرَيْبٍ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنِي زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا إِسْحَٰقُ بْنُ يُوسُفَ الْأَزْرَقُ، كِلَاهُمَا عَنْ فُضَيْلِ بْنِ غَزْوانَ بِهَٰذَا الْإِسْنَادِ، وَفِي حَدِيثِهِما: سَمِعْتُ أَبَا الْقَاسِمِ ﷺ، نَبِيَّ التَّوْبَةِ.

## Chapter 10. Feeding A Slave What One Eats And Clothing Him As One Clothes Oneself, And Not Burdening Him With More Than He Can Bear

## (المعجم ١٠) - (بَابُ إطعام المملوك مما يأكل، وإلباسه مما يلبس، ولا يكلفه ما يغلبه) (التحفة ١٥)

**[4313] 38 - (1661)** It was narrated that Al-Ma'rûr bin Suwaid said: "We passed by Abû Dharr in Ar-Rabadhah. He was wearing a *Burd* and his slave was wearing something similar. We said: 'O Abû Dharr, if you put them together it would be a *Ḥullah*.' He said: 'There was an exchange of words between myself and one of my brothers whose mother was a non-Arab, and I insulted him because of his mother. He complained about

**[٤٣١٣] ٣٨-(١٦٦١) حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا الْأَعْمَشُ، عَنِ الْمَعْرُورِ بْنِ سُوَيْدٍ قَالَ: مَرَرْنَا بِأَبِي ذَرٍّ بِالرَّبَذَةِ، وَعَلَيْهِ بُرْدٌ وَعَلَىٰ غُلَامِهِ مِثْلُهُ، فَقُلْنَا: يَا أَبَا ذَرٍّ! لَوْ جَمَعْتَ بَيْنَهُمَا كَانَتْ حُلَّةً، فَقَالَ: إِنَّهُ كَانَ بَيْنِي وَبَيْنَ رَجُلٍ مِنْ إِخْوَانِي كَلَامٌ، وَكَانَتْ أُمُّهُ أَعْجَمِيَّةً، فَعَيَّرْتُهُ بِأُمِّهِ، فَشَكَانِي إِلَى النَّبِيِّ ﷺ، فَلَقِيتُ النَّبِيَّ ﷺ، فَقَالَ: «يَا

me to the Prophet ﷺ, then I met the Prophet ﷺ and he said: "O Abû Dharr, you are a man in whom there is some ignorance." I said: "O Messenger of Allâh, if someone insults people, they will insult his father and mother." He said: "O Abû Dharr, you are a man in whom there is some ignorance. They are your brothers whom Allâh has placed under your control, so feed them what you eat, and clothe them with what you wear, and do not burden them with more than they can bear; if you do burden them, then help them."

أَبَا ذَرٍّ! إِنَّكَ امْرُؤٌ فِيكَ جَاهِلِيَّةٌ» قُلْتُ: يَا رَسُولَ اللهِ مَنْ سَبَّ الرِّجَالَ سَبُّوا أَبَاهُ وَأُمَّهُ، قَالَ: «يَا أَبَا ذَرٍّ! إِنَّكَ امْرُؤٌ فِيكَ جَاهِلِيَّةٌ، هُمْ إِخْوَانُكُمْ، جَعَلَهُمُ اللهُ تَحْتَ أَيْدِيكُمْ، فَأَطْعِمُوهُمْ مِمَّا تَأْكُلُونَ، وَأَلْبِسُوهُمْ مِمَّا تَلْبَسُونَ، وَلَا تُكَلِّفُوهُمْ مَا يَغْلِبُهُمْ، فَإِنْ كَلَّفْتُمُوهُمْ فَأَعِينُوهُمْ».

**[4314] 39 - (...)** It was narrated from Al-A'mash (a *Hadîth* similar to no. 4313) with this chain. In the *Hadîth* of Zuhair and Abû Mu'âwiyah after the words "You are a man in whom there is some ignorance" it adds: "I said: 'Even up to this time of old age?' He said: 'Yes.'" In the *Hadîth* of Abû Mu'âwiyah it says: "Yes, even up to this time of old age." In the *Hadîth* of 'Eisâ it says: "If he burdens him with more than he can bear, let him sell him." In the *Hadîth* of Zuhair it says: "Let him help him with it." In the *Hadîth* of Abû Mu'âwiyah it does not say: "Let him sell him" or "let him help him." It ends with the words "and do not burden him with more than he can bear."

**[٤٣١٤] ٣٩-(...)** وحَدَّثَناه أَحْمَدُ ابْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ؛ وَحَدَّثَنَا إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ، كُلُّهُمْ عَنِ الْأَعْمَشِ بِهَٰذَا الْإِسْنَادِ، وَزَادَ فِي حَدِيثِ زُهَيْرٍ وأَبِي مُعَاوِيَةَ بَعْدَ قَوْلِهِ: «إِنَّكَ امْرُؤٌ فِيكَ جَاهِلِيَّةٌ» قَالَ: قُلْتُ: عَلَىٰ حَالِ سَاعَتِي مِنَ الْكِبَرِ؟ قَالَ «نَعَمْ»، وَفِي رِوَايَةِ أَبِي مُعَاوِيَةَ «نَعَمْ، عَلَىٰ حَالِ سَاعَتِكَ مِنَ الْكِبَرِ»، وَفِي حَدِيثِ عِيسَىٰ «فَإِنْ كَلَّفَهُ مَا يَغْلِبُهُ فَلْيَبِعْهُ»، وَفِي حَدِيثِ زُهَيْرٍ «فَلْيُعِنْهُ عَلَيْهِ»، وَلَيْسَ فِي حَدِيثِ أَبِي مُعَاوِيَةَ «فَلْيَبِعْهُ» وَلَا «فَلْيُعِنْهُ»، انْتَهَىٰ عِنْدَ قَوْلِهِ: «وَلَا يُكَلِّفْهُ مَا يَغْلِبُهُ».

[4315] 40 - (...) It was narrated that Al-Ma'rûr bin Suwaid said: "I saw Abû Dharr wearing a *Hullah* and his slave was wearing something similar. I asked him about that and he said that he had insulted a man at the time of the Messenger of Allâh ﷺ, criticizing him because of his mother. The man went to the Prophet ﷺ and told him about that, and the Prophet ﷺ said: 'You are a man in whom there is still some ignorance. (They are) your brothers and servants whom Allâh has placed under your control, so whoever has his brother under his control, let him feed him what he eats and clothe him with what he wears. And do not burden them with more than they can bear, and if you do that, then help them.'"

[٤٣١٥] ٤٠-(...) حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّىٰ - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ وَاصِلٍ الْأَحْدَبِ، عَنِ الْمَعْرُورِ بْنِ سُوَيْدٍ قَالَ: رَأَيْتُ أَبَا ذَرٍّ وَعَلَيْهِ حُلَّةٌ وَعَلَىٰ غُلَامِهِ مِثْلُهَا، فَسَأَلْتُهُ عَنْ ذٰلِكَ؟ قَالَ: فَذَكَرَ أَنَّهُ سَابَّ رَجُلًا عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، فَعَيَّرَهُ بِأُمِّهِ، قَالَ: فَأَتَى الرَّجُلُ النَّبِيَّ ﷺ، فَذَكَرَ ذٰلِكَ لَهُ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّكَ امْرُؤٌ فِيكَ جَاهِلِيَّةٌ، إِخْوَانُكُمْ وَخَوَلُكُمْ، جَعَلَهُمُ اللهُ تَحْتَ أَيْدِيكُمْ، فَمَنْ كَانَ أَخُوهُ تَحْتَ يَدَيْهِ، فَلْيُطْعِمْهُ مِمَّا يَأْكُلُ، وَلْيُلْبِسْهُ مِمَّا يَلْبَسُ، وَلَا تُكَلِّفُوهُمْ مَا يَغْلِبُهُمْ، فَإِنْ كَلَّفْتُمُوهُمْ فَأَعِينُوهُمْ عَلَيْهِ».

[4316] 41 - (1662) It was narrated from Abû Hurairah that the Prophet ﷺ said: "A slave is entitled to his food and clothing, and he should not be burdened except with that which he can bear."

[٤٣١٦] ٤١-(١٦٦٢) وحَدَّثَنَا أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرِو بْنِ سَرْحٍ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنَا عَمْرُو بْنُ الْحَارِثِ أَنَّ بُكَيْرَ بْنَ الْأَشَجِّ حَدَّثَهُ، عَنِ الْعَجْلَانِ مَوْلَىٰ فَاطِمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قَالَ: «لِلْمَمْلُوكِ طَعَامُهُ وَكِسْوَتُهُ، وَلَا يُكَلَّفُ مِنَ الْعَمَلِ إِلَّا مَا يُطِيقُ».

[4317] 42 - (1663) It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said:

[٤٣١٧] ٤٢-(١٦٦٣) حَدَّثَنَا الْقَعْنَبِيُّ: حَدَّثَنَا دَاوُدُ بْنُ قَيْسٍ، عَنْ

"When the servant of any one of you brings food which he had looked, worked hard and endured heat and smoke, let him invite him to eat with him, and if the food runs a little short, he should still put a morsel or two of it in his hand."

## Chapter 11. The Reward Of A Slave Who Is Sincere Towards His Master And Worships Allâh Properly

**[4318] 43 - (1664)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: "If a slave is sincere towards his master and worships Allâh properly, he will have a twofold reward."

**[4319] (...)** A *Hadîth* similar to that of Mâlik (4318) was narrated from Nâfi', from Ibn 'Umar, from the Prophet ﷺ.

مُوسَى بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِذَا صَنَعَ لأَحَدِكُمْ خَادِمُهُ طَعَامَهُ ثُمَّ جَاءَهُ بِهِ، وَقَدْ وَلِيَ حَرَّهُ وَدُخَانَهُ، فَلْيُقْعِدْهُ مَعَهُ، فَلْيَأْكُلْ، فَإِنْ كَانَ الطَّعَامُ مَشْفُوهًا قَلِيلًا، فَلْيَضَعْ فِي يَدِهِ مِنْهُ أُكْلَةً أَوْ أُكْلَتَيْنِ» قَالَ دَاوُدُ: يَعْنِي لُقْمَةً أَوْ لُقْمَتَيْنِ.

## (المعجم ١١) - (بَابُ ثواب العبد وأجره إذا نصح لسيده، وأحسن عبادة الله) (التحفة ١٦)

**[٤٣١٨] ٤٣-(١٦٦٤)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «إِنَّ الْعَبْدَ إِذَا نَصَحَ لِسَيِّدِهِ، وَأَحْسَنَ عِبَادَةَ اللهِ، فَلَهُ أَجْرُهُ مَرَّتَيْنِ».

**[٤٣١٩] (...)** وحَدَّثَني زُهَيْرُ بْنُ حَرْبٍ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ قَالَا: حَدَّثَنَا يَحْيَىٰ وَهُوَ الْقَطَّانُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ نُمَيْرٍ وَأَبُو أُسَامَةَ، كُلُّهُمْ عَنْ عُبَيْدِ اللهِ؛ وَحَدَّثَنَا هَرُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنِي أُسَامَةُ، جَمِيعًا عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ مَالِكٍ.

**[4320] 44 - (1665)** It was narrated that Ibn Shihâb said: I heard Sa'eed bin Al-Mûsâyyab say: 'Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'The faithful slave will have two rewards.' By the One in Whose Hand is the soul of Abû Hurairah, were it not for *Jihâd* in the cause of Allâh, *Hajj* and honoring my mother, I would have liked to die a slave.

He said: "We heard that Abû Hurairah did not perform *Hajj* until his mother died, because he kept her company."

**[٤٣٢٠] ٤٤-(١٦٦٥) حَدَّثَنِي** أَبُو الطَّاهِرِ وحَرْمَلَةُ بْنُ يَحْيَىٰ، قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ يَقُولُ: قَالَ أَبُو هُرَيْرَةَ: قَالَ رَسُولُ اللهِ ﷺ: «لِلْعَبْدِ الْمَمْلُوكِ الْمُصْلِحِ أَجْرَانِ»، وَالَّذِي نَفْسُ أَبِي هُرَيْرَةَ بِيَدِهِ! لَوْلَا الْجِهَادُ فِي سَبِيلِ اللهِ، وَالْحَجُّ، وَبِرُّ أُمِّي، لَأَحْبَبْتُ أَنْ أَمُوتَ وَأَنَا مَمْلُوكٌ.

قَالَ: وَبَلَغَنَا أَنَّ أَبَا هُرَيْرَةَ لَمْ يَكُنْ يَحُجُّ حَتَّىٰ مَاتَتْ أُمُّهُ، لِصُحْبَتِهَا.

قَالَ أَبُو الطَّاهِرِ فِي حَدِيثِهِ: «لِلْعَبْدِ الْمُصْلِحِ» وَلَمْ يَذْكُرِ الْمَمْلُوكَ.

**[4321] (...)** It was narrated from Ibn Shihâb (a *Hadîth* similar to no. 4340) with this chain, but he did not mention: "We heard..." etc.

**[٤٣٢١] (...) وَحَدَّثَنِيهِ** زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا أَبُو صَفْوَانَ الْأُمَوِيُّ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ بِهَٰذَا الْإِسْنَادِ، ولَمَ يَذْكُرْ: بَلَغَنَا وَمَا بَعْدَهُ.

**[4322] 45 - (1666)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said: 'If a slave fulfills his duty towards Allâh and towards his master, he will have two rewards.'" He said: "I narrated it to Ka'b and Ka'b said (adding): 'He will not be brought to account, and neither will the poor believer.'"

**[٤٣٢٢] ٤٥-(١٦٦٦) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِذَا أَدَّى الْعَبْدُ حَقَّ اللهِ وَحَقَّ مَوَالِيهِ، كَانَ لَهُ أَجْرَانِ» قَالَ: فَحَدَّثْتُهَا كَعْبًا، فَقَالَ كَعْبٌ: لَيْسَ عَلَيْهِ حِسَابٌ، وَلَا عَلَىٰ مُؤْمِنٍ مُزْهِدٍ.

[4323] (...) It was narrated from Al-A'mash with this chain (a *Hadîth* similar to no. 4322).

[٤٣٢٣] (...) وَحَدَّثَنِيهِ زُهَيْرُ بْنُ حَرْبٍ، حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ بِهَٰذَا الْإِسْنَادِ.

[4324] 46 - (1667) It was narrated that Hammâm bin Munabbih said: "This is what Abû Hurairah narrated to us from the Messenger of Allâh ﷺ." He mentioned a number of *Ahadîth*, including the following: "The Messenger of Allâh ﷺ said: 'How good it is for a slave, if he dies worshipping Allâh well and keeping good company with his master. How good it is for him.'"

[٤٣٢٤] ٤٦-(١٦٦٧) وحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ، عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَٰذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ، فَذَكَرَ أَحَادِيثَ مِنْهَا: وَقَالَ رَسُولُ اللهِ ﷺ: «نِعِمَّا لِلْمَمْلُوكِ أَنْ يُتَوَفَّىٰ، يُحْسِنُ عِبَادَةَ اللهِ وَصَحَابَةَ سَيِّدِهِ، نِعِمَّا لَهُ».

## Chapter 12. One Who Frees His Share In A Slave

## (المعجم ١٢) - (بَابُ من أعتق شركا له في عبد) (التحفة ١٧)

[4325] 47 - (1501) It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'If a person frees his share of a slave, and has enough money to pay the full price of the slave, a fair price should be worked out for the slave, and his partners should be paid for their shares, then he should free the slave, otherwise he has freed only what he has freed.'"

[٤٣٢٥] ٤٧-(١٥٠١) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ: قُلْتُ لِمَالِكٍ: حَدَّثَكَ نَافِعٌ عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَعْتَقَ شِرْكًا لَهُ فِي عَبْدٍ، فَكَانَ لَهُ مَالٌ يَبْلُغُ ثَمَنَ الْعَبْدِ، قُوِّمَ عَلَيْهِ قِيمَةَ الْعَدْلِ، فَأَعْطَىٰ شُرَكَاءَهُ حِصَصَهُمْ، وَعَتَقَ عَلَيْهِ الْعَبْدُ، وَإِلَّا فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ».

[راجع: ٣٧٧٠]

[4326] 48 - (...) It was narrated that Ibn 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever frees his share of a

[٤٣٢٦] ٤٨-(...) وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ

slave, has to free him completely, if he has enough money to pay the full price; if he does not have enough money then he has freed only what he has freed.'"

اللهِ ﷺ: «مَنْ أَعْتَقَ شِرْكًا لَهُ مِنْ مَمْلُوكٍ فَعَلَيْهِ عِتْقُهُ كُلُّهُ، إِنْ كَانَ لَهُ مَالٌ يَبْلُغُ ثَمَنَهُ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ عَتَقَ مِنْهُ مَا عَتَقَ».

**[4327] 49 - (...)** It was narrated that 'Abdullâh bin 'Umar said: "The Messenger of Allâh ﷺ said: 'Whoever frees his share of a slave and has enough money to pay the full price for him, a fair price should be worked out, otherwise he has freed only what he has freed.'"

**[٤٣٢٧] ٤٩-(...) وحَدَّثَنَا** شَيْبَانُ ابْنُ فَرُّوخَ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ، عَنْ نَافِعٍ مَوْلَى عَبْدِ اللهِ بْنِ عُمَرَ، عَنْ عَبْدِ اللهِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَعْتَقَ نَصِيبًا لَهُ فِي عَبْدٍ، فَكَانَ لَهُ مِنَ الْمَالِ قَدْرُ مَا يَبْلُغُ قِيمَتَهُ، قُوِّمَ عَلَيْهِ قِيمَةَ عَدْلٍ، وَإِلَّا فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ».

**[4328] (...)** This *Hadîth* was narrated from Ibn 'Umar, (similar to no. 4326) from the Prophet ﷺ, but in their *Hadîth* it does not say: "If he does not have enough money then he has freed only what he has freed." But in the *Hadîth* of Ayyûb and Yaḥyâ bin Sa'eed, they mentioned this phrase but they said: "We do not know whether it is part of the *Hadîth* or is something that was said by Nâfi' (a narrator)." It does not say in the *Hadîth* of any of them: "I heard the Messenger of Allâh ﷺ say," except in the *Hadîth* of Al-Laith bin Sa'd.

**[٤٣٢٨] (...) وحَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحٍ، عَنِ اللَّيْثِ ابْنِ سَعْدٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْوَهَّابِ قَالَ: سَمِعْتُ يَحْيَى بْنَ سَعِيدٍ؛ وَحَدَّثَنِي أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ - وَهُوَ ابْنُ زَيْدٍ -؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ - يَعْنِي ابْنَ عُلَيَّةَ - كِلَاهُمَا عَنْ أَيُّوبَ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ، عَنِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي إِسْمَاعِيلُ بْنُ أُمَيَّةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ، عَنِ ابْنِ أَبِي ذِئْبٍ؛ وَحَدَّثَنَا هَارُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ، أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي

أُسَامَةُ - يَعْنِي ابْنَ زَيْدٍ - كُلُّ هٰؤُلَاءِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ، عَنِ النَّبِيِّ ﷺ بِهٰذَا الْحَدِيثِ، وَلَيْسَ فِي حَدِيثِهِمْ «وَإِنْ لَمْ يَكُنْ لَهُ مَالٌ فَقَدْ عَتَقَ مِنْهُ مَا عَتَقَ» إِلَّا فِي حَدِيثِ أَيُّوبَ وَيَحْيَى بْنِ سَعِيدٍ، فَإِنَّهُمَا ذَكَرَا هٰذَا الْحَرْفَ فِي الْحَدِيثِ، وَقَالَا: لَا نَدْرِي، أَهُوَ شَيْءٌ فِي الْحَدِيثِ أَوْ قَالَهُ نَافِعٌ مِنْ قِبَلِهِ؟ وَلَيْسَ فِي رِوَايَةِ أَحَدٍ مِنْهُمْ: سَمِعْتُ رَسُولَ اللهِ ﷺ، إِلَّا فِي حَدِيثِ اللَّيْثِ بْنِ سَعْدٍ.

[4329] 50 - (...) It was narrated from Sâlim bin 'Abdullâh, from his father, that the Messenger of Allâh ﷺ said: "Whoever frees a slave who is owned by him and another person, a fair price should be worked out for him, without cheating, underestimating or overestimating, then he should free him from his own wealth if he is well off."

[٤٣٢٩] ٥٠-(...) وحَدَّثَنَا عَمْرٌو النَّاقِدُ وَابْنُ أَبِي عُمَرَ، كِلَاهُمَا عَنِ ابْنِ عُيَيْنَةَ، قَالَ ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ [بْنُ عُيَيْنَةَ] عَنْ عَمْرٍو، عَنْ سَالِمِ بْنِ عَبْدِ اللهِ، عَنْ أَبِيهِ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ أَعْتَقَ عَبْدًا بَيْنَهُ وَبَيْنَ آخَرَ، قُوِّمَ عَلَيْهِ فِي مَالِهِ قِيمَةَ عَدْلٍ، لَا وَكْسَ وَلَا شَطَطَ، ثُمَّ عَتَقَ عَلَيْهِ فِي مَالِهِ إِنْ كَانَ مُوسِرًا».

[4330] 51 - (...) It was narrated from Ibn 'Umar that the Prophet ﷺ said: "Whoever frees his share in a slave should (also) free the rest with his own money, if he has enough money to pay the price of the slave."

[٤٣٣٠] ٥١-(...) حَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنِ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ أَعْتَقَ شِرْكًا لَهُ فِي عَبْدٍ، عَتَقَ مَا بَقِيَ فِي مَالِهِ، إِذَا كَانَ لَهُ مَالٌ يَبْلُغُ ثَمَنَ الْعَبْدِ».

**[4331] 52 - (1502)** It was narrated from Abû Hurairah that the Prophet ﷺ said concerning a slave who is owned by two men, one of whom manumits (his share): "He is responsible (for manumitting the other share)."

**[٤٣٣١] ٥٢-(١٥٠٢) وحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَمُحَمَّدُ بْنُ بَشَّارٍ - وَاللَّفْظُ لابْنِ الْمُثَنَّىٰ - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنِ النَّضْرِ بْنِ أَنَسٍ، عَنْ بَشِيرِ بْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ، فِي الْمَمْلُوكِ بَيْنَ الرَّجُلَيْنِ فَيُعْتِقُ أَحَدُهُمَا قَالَ: «يَضْمَنُ». [راجع: ٢٧٧٢]

**[4332] 53 - (1503)** Shu'bah narrated with this chain (a *Hadîth* similar to no. 4331): He said: "Whoever frees a share of a slave, he should be freed using his wealth."

**[٤٣٣٢] ٥٣-(١٥٠٣) وحَدَّثَنَاه عُبَيْدُ** اللهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ بِهَٰذَا الْإِسْنَادِ قَالَ: «مَنْ أَعْتَقَ شَقِيصًا مِنْ مَمْلُوكٍ، فَهُوَ حُرٌّ مِنْ مَالِهِ». [راجع: ٣٧٧٣]

**[4333] 54 - (...)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "Whoever manumits his share of a slave, let him manumit him completely with his own money if he has money, and if he does not have money, let the slave work for his manumission, without being overburdened."

**[٤٣٣٣] ٥٤-(...) وحَدَّثَنِي عَمْرٌو** النَّاقِدُ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنِ النَّضْرِ ابْنِ أَنَسٍ، عَنْ بَشِيرِ ابْنِ نَهِيكٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَعْتَقَ شَقِيصًا لَهُ فِي عَبْدٍ، فَخَلَاصُهُ فِي مَالِهِ إِنْ كَانَ لَهُ مَالٌ، فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ، اسْتُسْعِيَ الْعَبْدُ غَيْرَ مَشْقُوقٍ عَلَيْهِ».

**[4334] 55 - (...)** It was narrated from Ibn Abî 'Arûbah with (a different chain, a *Hadîth* similar to no. 4333). In the *Hadîth* of 'Eisa it says: "Then let him work

**[٤٣٣٤] ٥٥-(...) حَدَّثَنَاه أَبُو** بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ وَمُحَمَّدُ بْنُ بِشْرٍ؛ وَحَدَّثَنَا إِسْحَاقُ بْنُ

for the manumission of the part that has not been freed, without being overburdened."

إِبْرَاهِيمَ وَعَلِيُّ بْنُ خَشْرَمٍ قَالَا: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ، جَمِيعًا عَنِ ابْنِ أَبِي عَرُوبَةَ بِهَٰذَا الْإِسْنَادِ، وَفِي حَدِيثِ عِيسَىٰ: «ثُمَّ يُسْتَسْعَىٰ فِي نَصِيبِ الَّذِي لَمْ يُعْتَقْ غَيْرَ مَشْقُوقٍ عَلَيْهِ».

**[4335] 56 - (1668)** It was narrated from 'Imrân bin Ḥuṣain that a man declared that six slaves of his would be set free when he died, but he did not have any other wealth apart from them. The Messenger of Allâh ﷺ called for them and divided them into three groups, then he cast lots among them, freeing two and leaving four as slaves, and he spoke harsh words to him.

**[٤٣٣٥] ٥٦-(١٦٦٨) حَدَّثَنَا** عَلِيُّ ابْنُ حُجْرٍ السَّعْدِيُّ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ، قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ وَهُوَ ابْنُ عُلَيَّةَ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْمُهَلَّبِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ رَجُلًا أَعْتَقَ سِتَّةَ مَمْلُوكِينَ لَهُ عِنْدَ مَوْتِهِ، لَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُمْ، فَدَعَا بِهِمْ رَسُولُ اللهِ ﷺ، فَجَزَّأَهُمْ أَثْلَاثًا، ثُمَّ أَقْرَعَ بَيْنَهُمْ، فَأَعْتَقَ اثْنَيْنِ وَأَرَقَّ أَرْبَعَةً، وَقَالَ لَهُ قَوْلًا شَدِيدًا.

**[4336] 57 - (...)** It was narrated from Ayyûb with this chain (a *Ḥadîth* similar to no. 4335). As for Ḥammâd (a narrator), his *Ḥadîth* is like the report of Ibn 'Ulayyah (no. 4335). As for Ath-Thaqafî, in his *Ḥadîth* it says: "That a man from among the *Anṣâr* left instructions that when he died, his six slaves would be set free."

**[٤٣٣٦] ٥٧-(...) حَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا حَمَّادٌ؛ وَحَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَابْنُ أَبِي عُمَرَ، عَنِ الثَّقَفِيِّ، كِلَاهُمَا عَنْ أَيُّوبَ بِهَٰذَا الْإِسْنَادِ، أَمَّا حَمَّادٌ فَحَدِيثُهُ كَرِوَايَةِ ابْنِ عُلَيَّةَ، وَأَمَّا الثَّقَفِيُّ فَفِي حَدِيثِهِ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ أَوْصَىٰ عِنْدَ مَوْتِهِ، فَأَعْتَقَ سِتَّةَ مَمْلُوكِينَ.

**[4337] (...)** A *Ḥadîth* like that of Ibn 'Ulayyah and Ḥammâd (no. 4336) was narrated from 'Imrân bin Ḥuṣain, from the Prophet ﷺ.

**[٤٣٣٧] (...) حَدَّثَنَا** مُحَمَّدُ بْنُ مِنْهَالٍ الضَّرِيرُ وَأَحْمَدُ بْنُ عَبْدَةَ قالا:

حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا هِشَامُ بْنُ حَسَّانَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ عَنِ النَّبِيِّ ﷺ: بِمِثْلِ حَدِيثِ ابْنِ عُلَيَّةَ وَحَمَّادٍ.

## Chapter 13. Permissibility Of Selling A *Mudabbar*[1]

## (المعجم ١٣) - (بَابُ جواز بيع المدبر) (التحفة ١٨)

**[4338] 58 - (997)** It was narrated from Jâbir bin 'Abdullâh that a man among the *Anṣâr* declared that a slave of his would become free after he died, and he did not own any other wealth apart from the slave. News of that reached the Prophet ﷺ and he said: "Who will buy him from me?" Nu'aim bin 'Abdullâh bought him for a price of eight hundred Dirham, and he gave it to him.

'Amr said: "I heard Jâbir bin 'Abdullâh say: 'He was a Coptic slave who died last year.'"

**[٤٣٣٨] ٥٨-(٩٩٧) حَدَّثَنَا** أَبُو الرَّبِيعِ سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ: حَدَّثَنَا حَمَّادٌ - يَعْنِي ابْنَ زَيْدٍ - عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ: أَنَّ رَجُلًا مِنَ الْأَنْصَارِ أَعْتَقَ غُلَامًا لَهُ عَنْ دُبُرٍ، لَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُ، فَبَلَغَ ذٰلِكَ النَّبِيَّ ﷺ، فَقَالَ: «مَنْ يَشْتَرِيهِ مِنِّي؟» فَاشْتَرَاهُ نُعَيْمُ بْنُ عَبْدِ اللهِ بِثَمَانِ مِائَةِ دِرْهَمٍ، فَدَفَعَهَا إِلَيْهِ.

قَالَ عَمْرٌو: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: عَبْدًا قِبْطِيًّا مَاتَ عَامَ أَوَّلَ.

[راجع: ٢٣١٣]

**[4339] 59 - (...)** Sufyân bin 'Uyaynah narrated: "'Amr heard Jâbir say: 'A man among the *Anṣâr* declared that a slave of his would become free after he died, and he did not own any other wealth apart from him. The Messenger of Allâh ﷺ sold him.'"

**[٤٣٣٩] ٥٩-(...) وحَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَإِسْحٰقُ بْنُ إِبْرَاهِيمَ عَنِ ابْنِ عُيَيْنَةَ قَالَ أَبُو بَكْرٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ قَالَ: سَمِعَ عَمْرٌو جَابِرًا يَقُولُ: دَبَّرَ رَجُلٌ مِنَ الْأَنْصَارِ غُلَامًا لَهُ لَمْ يَكُنْ لَهُ مَالٌ غَيْرُهُ، فَبَاعَهُ رَسُولُ اللهِ ﷺ.

[1] *Mudabbar*: A slave whose master has declared he will become free after he dies.

Jâbir said: "Ibn An-Naḥḥâm bought him, a Coptic slave who died last year, during the governorship of Ibn Az-Zubair."

قَالَ جَابِرٌ: فَاشْتَرَاهُ ابْنُ النَّحَّامِ، عَبْدًا قِبْطِيًّا مَاتَ عَامَ أَوَّلَ، فِي إِمَارَةِ ابْنِ الزُّبَيْرِ.

**[4340]** **(...)** A *Ḥadîth* like that of Ḥammâd from 'Amr bin Dînâr (no. 4338) was narrated from Jâbir, from the Prophet ﷺ, concerning the *Mudabbar*.

[٤٣٤٠] (...) وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَابْنُ رُمْحٍ، عَنِ اللَّيْثِ بْنِ سَعْدٍ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ عَنِ النَّبِيِّ ﷺ فِي الْمُدَبَّرِ نَحْوَ حَدِيثِ حَمَّادٍ عَنْ عَمْرِو ابْنِ دِينَارٍ.

**[4341]** **(...)** It was narrated from 'Aṭâ' bin Abî Rabâḥ, Ibn Az-Zubair and 'Amr bin Dînâr that Jâbir bin 'Abdullâh told them about the sale of a *Mudabbar*. All of them said, - a *Ḥadîth* like that of Ḥammâd and Ibn 'Uyaynah from 'Amr from Jâbir (no. 4338, 4339).

[٤٣٤١] (...) حَدَّثَنَا قُتَيْبَةُ [بْنُ سَعِيدٍ] حَدَّثَنَا الْمُغِيرَةُ يَعْنِي الْحِزَامِيَّ، عَنْ عَبْدِ الْمَجِيدِ بْنِ سُهَيْلٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ؛ وَحَدَّثَنِي عَبْدُ اللهِ بْنُ هَاشِمٍ: حَدَّثَنَا يَحْيَىٰ - يَعْنِي ابْنَ سَعِيدٍ - عَنِ الْحُسَيْنِ بْنِ ذَكْوَانَ الْمُعَلِّمِ: حَدَّثَنِي عَطَاءٌ عَنْ جَابِرٍ؛ وَحَدَّثَنِي أَبُو غَسَّانَ الْمِسْمَعِيُّ: حَدَّثَنَا مُعَاذٌ: حَدَّثَنِي أَبِي عَنْ مَطَرٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، وَأَبِي الزُّبَيْرِ، وَعَمْرِو بْنِ دِينَارٍ: أَنَّ جَابِرَ بْنَ عَبْدِ اللهِ حَدَّثَهُمْ فِي بَيْعِ الْمُدَبَّرِ، كُلُّ هَؤُلَاءِ قَالَ: عَنِ النَّبِيِّ ﷺ، بِمَعْنَىٰ حَدِيثِ حَمَّادٍ وابْنِ عُيَيْنَةَ، عَنْ عَمْرٍو، عَنْ جَابِرٍ.

## 28. The Book Of Oaths (*Qasâmah*), *Muḥâribîn*,[1] *Qaṣaṣ* (Retaliation) And *Diyât* (Blood Money)

### Chapter 1. *Qasâmah* (Oaths)

**[4342] 1 - (1669)** It was narrated from Sahl bin Abî Ḥathmah - Yaḥyâ said: "I think he said: 'And from Râfi' bin Khadîj''' - that they said: "'Abdullâh bin Sahl bin Zaid and Muḥaiṣah bin Mas'ûd bin Zaid went out, and when they were in Khaibar they parted. Then Muḥaiṣah found 'Abdullâh bin Sahl slain, so he buried him. Then he came to the Messenger of Allâh ﷺ along with Ḥuwaiṣah bin Mas'ûd and 'Abdur-Raḥmân bin Sahl, who was the youngest of the people. 'Abdur-Raḥmân began to speak before his two companions, and the Messenger of Allâh ﷺ said to him: 'Let the eldest speak.' So he fell silent and his two companions spoke, and he spoke with them. They told the Messenger of Allâh ﷺ about the killing of 'Abdullâh bin

## ١٣ - (المعجم ٢٨) - كتاب القسامة والمحاربين والقصاص والديات (التحفة ١٧ -الحدود)

### (المعجم ١) - (بَابُ القسامة) (التحفة ١)

**[٤٣٤٢] ١-(١٦٦٩)** وَحَدَّثَنَا قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنْ يَحْيَىٰ - وَهُوَ ابْنُ سَعِيدٍ-، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ - قَالَ يَحْيَىٰ: وَحَسِبْتُ قَالَ - وَعَنْ رَافِعِ بْنِ خَدِيجٍ أَنَّهُمَا قالا: خَرَجَ عَبْدُ اللهِ ابْنُ سَهْلِ بْنِ زَيْدٍ، وَمُحَيِّصَةُ بْنُ مَسْعُودِ بْنِ زَيْدٍ، حَتَّىٰ إِذَا كَانَا بِخَيْبَرَ تَفَرَّقَا فِي بَعْضِ مَا هُنَالِكَ، ثُمَّ إِذَا مُحَيِّصَةُ يجِدُ عَبْدَ اللهِ بْنَ سَهْلٍ قَتِيلًا، فَدَفَنَهُ، ثُمَّ أَقْبَلَ إِلَىٰ رَسُولِ اللهِ ﷺ هُوَ وَحُوَيِّصَةُ بْنُ مَسْعُودٍ وَعَبْدُ الرَّحْمَٰنِ ابْنُ سَهْلٍ، وَكَانَ أَصْغَرَ الْقَوْمِ، فَذَهَبَ عَبْدُ الرَّحْمَٰنِ لِيَتَكَلَّمَ قَبْلَ صَاحِبَيْهِ، فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «كَبِّرْ» - الْكُبْرَ فِي السِّنِّ - فَصَمَتَ، وَتَكَلَّمَ صَاحِبَاهُ،

[1] *Muḥâribîn*: These are aggressors who transgress against society or the legitimate state, as mentioned in the Verse: "The recompense of those who wage war against Allâh and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter" [Al-Mâ'idah 5:33]

Sahl, and he said to them: 'Will you swear fifty times so that you may be entitled to (blood money) for your companion?' They said: 'How can we swear when we did not witness (what happened)?' He said: 'Then let the Jews swear fifty oaths that they are innocent.' They said: 'How can we accept the oaths of a disbelieving people?' When the Messenger of Allâh ﷺ saw that, he paid the blood money himself."

وَتَكَلَّمَ مَعَهُمَا، فَذَكَرُوا لِرَسُولِ اللهِ ﷺ مَقْتَلَ عَبْدِاللهِ بْنِ سَهْلٍ، فَقَالَ لَهُمْ: «أَتَحْلِفُونَ خَمْسِينَ يَمِينًا فَتَسْتَحِقُّونَ صَاحِبَكُمْ؟» - أَوْ قَاتِلَكُم - قَالُوا: وَكَيْفَ نَحْلِفُ وَلَمْ نَشْهَدْ؟ قَالَ: «فَتُبْرِئُكُمْ يَهُودُ بِخَمْسِينَ يَمِينًا؟» قَالُوا: وَكَيْفَ نَقْبَلُ أَيْمَانَ قَوْمٍ كُفَّارٍ؟ فَلَمَّا رَأَىٰ ذَٰلِكَ رَسُولُ اللهِ ﷺ أَعْطَىٰ عَقْلَهُ.

**[4343] 2 - (...)** It was narrated from Sahl bin Mas'ûd and Râfi' bin Khadîj, that Muhaisah bin Mas'ûd and 'Abdullâh bin Sahl went to Khaibar, where they parted among the palm trees. 'Abdullâh bin Sahl was killed, and they accused the Jews. His brother 'Abdur-Rahmân and his two cousins Huwaisah, and Muhaisah, came to the Prophet ﷺ and 'Abdur-Rahmân began to speak about his brother, but he was the youngest of them, so the Messenger of Allâh ﷺ said: "Let the eldest speak" or he ﷺ said "Let the eldest speak first." So they spoke about their companion's case, and the Messenger of Allâh ﷺ said: "Let fifty of you swear against one of them, then he will be handed over to you." They said: "It is something that we did not witness; how can we swear?" He said: "Then let the Jews swear fifty oaths that they are innocent."

**[٤٣٤٣] ٢-(...)** وحَدَّثَنَا عُبَيْدُ اللهِ ابْنُ عُمَرَ الْقَوَارِيرِيُّ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ وَرَافِعِ بْنِ خَدِيجٍ: أَنَّ مُحَيِّصَةَ بْنَ مَسْعُودٍ وَعَبْدَ اللهِ ابْنَ سَهْلٍ انْطَلَقَا قِبَلَ خَيْبَرَ، فَتَفَرَّقَا فِي النَّخْلِ، فَقُتِلَ عَبْدُ اللهِ بْنُ سَهْلٍ، فَاتَّهَمُوا الْيَهُودَ، فَجَاءَ أَخُوهُ عَبْدُ الرَّحْمَٰنِ وَابْنَا عَمِّهِ حُوَيِّصَةُ وَمُحَيِّصَةُ إِلَىٰ النَّبِيِّ ﷺ فَتَكَلَّمَ عَبْدُ الرَّحْمَٰنِ فِي أَمْرِ أَخِيهِ، وَهُوَ أَصْغَرُ مِنْهُمْ، فَقَالَ رَسُولُ اللهِ ﷺ: «كَبِّرِ الْكُبْرَ» أَوْ قَالَ: «لِيَبْدَإِ الْأَكْبَرُ» فَتَكَلَّمَا فِي أَمْرِ صَاحِبِهِمَا، فَقَالَ رَسُولُ اللهِ ﷺ: «يُقْسِمُ خَمْسُونَ مِنْكُمْ عَلَىٰ رَجُلٍ مِنْهُمْ فَيُدْفَعُ بِرُمَّتِهِ؟» قَالُوا: أَمْرٌ لَمْ نَشْهَدْهُ كَيْفَ نَحْلِفُ؟ قَالَ: «فَتُبْرِئُكُمْ يَهُودُ بِأَيْمَانِ

They said: "O Messenger of Allâh, they are a disbelieving people." So the Messenger of Allâh ﷺ paid the blood money himself.

Sahl said: "I entered a *Mirbad* (camel pen) of theirs one day, and a she-camel among those camels (that were given as blood money) kicked me."

خَمْسِينَ مِنْهُمْ؟» قَالُوا: يَا رَسُولَ اللهِ! قَوْمٌ كُفَّارٌ، [قَالَ]: فَوَدَاهُ رَسُولُ اللهِ ﷺ مِنْ قِبَلِهِ.

قَالَ سَهْلٌ: فَدَخَلْتُ مِرْبَدًا لَهُمْ يَوْمًا، فَرَكَضَتْنِي نَاقَةٌ مِنْ تِلْكَ الْإِبِلِ رَكْضَةً بِرِجْلِهَا، قَالَ حَمَّادٌ: هٰذَا أَوْ نَحْوَهُ.

**[4344] (...)** A similar report (as no. 4343) was narrated from Sahl bin Abî Ḥat̲h̲mah from the Prophet ﷺ, and in his *Ḥadîth* he said: "The Messenger of Allâh ﷺ paid the blood money himself," but he did not say in his *Ḥadîth*: "A she-camel kicked me."

[٤٣٤٤] (...) **وحَدَّثَنَا** الْقَوَارِيرِيُّ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ عَنِ النَّبِيِّ ﷺ بِنَحْوِهِ، وَقَالَ فِي حَدِيثِهِ: فَعَقَلَهُ رَسُولُ اللهِ ﷺ مِنْ عِنْدِهِ، وَلَمْ يَقُلْ فِي حَدِيثِهِ: فَرَكَضَتْنِي نَاقَةٌ.

**[4345] (...)** A *Ḥadîth* similar to theirs (no. 4343) was narrated from Sahl bin Abî Ḥat̲h̲mah.

[٤٣٤٥] (...) **وَحَدَّثَنَا** عَمْرٌو النَّاقِدُ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْوَهَّابِ [يَعْنِي] الثَّقَفِيَّ، جَمِيعًا، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ بِنَحْوِ حَدِيثِهِمْ.

**[4346] 3 - (...)** It was narrated from Bus̲h̲air bin Yasâr that 'Abdullâh bin Sahl bin Zaid and Muḥaiṣah bin Mas'ûd bin Zaid, two *Anṣârî* men from the tribe of Banû Ḥârit̲h̲ah, went out to K̲h̲aibar during the time of the Messenger of Allâh ﷺ. At that time there was a peace treaty, and its people were Jews. They parted to go about

[٤٣٤٦] ٣-(...) **حَدَّثَنَا** عَبْدُ اللهِ ابْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا سُلَيْمَانُ بْنُ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ: أَنَّ عَبْدَ اللهِ بْنَ سَهْلِ بْنِ زَيْدٍ، وَمُحَيِّصَةَ بْنَ مَسْعُودِ بْنِ زَيْدٍ الْأَنْصَارِيَّيْنِ، ثُمَّ مِنْ بَنِي حَارِثَةَ، خَرَجَا إِلَىٰ خَيْبَرَ فِي

their business, and 'Abdullâh bin Sahl was killed. He was found slain in a water tank. His companion buried him, then he came to Al-Madînah. The brother of the slain man, 'Abdur-Raḥmân bin Sahl, along with Muḥaiṣah and Ḥuwaiṣah, went and told the Messenger of Allâh ﷺ about 'Abdullâh, and where he was killed. Bushair, who narrated this *Ḥadîth* from one of the Companions of the Messenger of Allâh ﷺ whom he met, said that he (ﷺ) said to them: "Will you swear fifty oaths so that you will be entitled to the blood money?" They said: "O Messenger of Allâh, we did not witness anything and we were not present." And he said, that he (ﷺ) said: "Will you let the Jews swear fifty times that they are innocent?" They said: "O Messenger of Allâh, how can we accept the oaths of a disbelieving people?" Bushair said that the Messenger of Allâh ﷺ paid the blood money himself.

**[4347] 4 - (...)** It was narrated from Bushair bin Yasâr, that an *Anṣârî* man from Banû Ḥârithah who was called 'Abdullâh bin Sahl bin Zaid, went with a cousin of his who was called Muḥaiṣah bin Mas'ûd bin Zaid... and he quoted a *Ḥadîth* like that of Al-Laith, up to the words: "And the Messenger of Allâh ﷺ paid the blood money himself."

زَمَانِ رَسُولِ اللهِ ﷺ، وَهِيَ يَوْمَئِذٍ صُلْحٌ، وَأَهْلُهَا يَهُودُ، فَتَفَرَّقَا لِحَاجَتِهِمَا، فَقُتِلَ عَبْدُ اللهِ بْنُ سَهْلٍ، فَوُجِدَ فِي شَرَبَةٍ مَقْتُولًا، فَدَفَنَهُ صَاحِبُهُ، ثُمَّ أَقْبَلَ إِلَى الْمَدِينَةِ، فَمَشَىٰ أَخُو الْمَقْتُولِ، عَبْدُ الرَّحْمَٰنِ بْنُ سَهْلٍ وَمُحَيِّصَةُ وَحُوَيِّصَةُ، فَذَكَرُوا لِرَسُولِ اللهِ ﷺ شَأْنَ عَبْدِ اللهِ، وَحَيْثُ قُتِلَ، فَزَعَمَ بُشَيْرٌ وَهُوَ يُحَدِّثُ عَمَّنْ أَدْرَكَ مِنْ أَصْحَابِ رَسُولِ اللهِ ﷺ، أَنَّهُ قَالَ لَهُمْ: «تَحْلِفُونَ خَمْسِينَ يَمِينًا وَتَسْتَحِقُّونَ قَاتِلَكُمْ؟» - أَوْ صَاحِبَكُمْ - قَالُوا: يَا رَسُولَ اللهِ! مَا شَهِدْنَا وَلَا حَضَرْنَا، فَزَعَمَ أَنَّهُ قَالَ: «فَتُبْرِئُكُمْ يَهُودُ بِخَمْسِينَ؟» فَقَالُوا: يَا رَسُولَ اللهِ! كَيْفَ نَقْبَلُ أَيْمَانَ قَوْمٍ كُفَّارٍ؟ فَزَعَمَ بُشَيْرٌ أَنَّ رَسُولَ اللهِ ﷺ عَقَلَهُ مِنْ عِنْدِهِ.

**[٤٣٤٧] ٤-(...)** وحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمٌ عَنْ يَحْيَى ابْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ أَنَّ رَجُلًا مِنَ الْأَنْصَارِ مِنْ بَنِي حَارِثَةَ، يُقَالُ لَهُ: عَبْدُ اللهِ بْنُ سَهْلِ بْنِ زَيْدٍ، انْطَلَقَ هُوَ وَابْنُ عَمٍّ لَهُ يُقَالُ لَهُ: مُحَيِّصَةُ ابْنُ مَسْعُودِ بْنِ زَيْدٍ، وَسَاقَ الْحَدِيثَ بِنَحْوِ حَدِيثِ اللَّيْثِ، إِلَىٰ قَوْلِهِ: فَوَدَاهُ رَسُولُ اللهِ ﷺ مِنْ عِنْدِهِ.

Yaḥyâ said: "Bushair bin Yasâr told me: 'Sahl bin Abî Ḥathmah told me: One of those camels (that were given as blood money) kicked me in the *Mirbad* (camel pen).'"

قَالَ يَحْيَىٰ: فَحَدَّثَنِي بُشَيْرُ بْنُ يَسَارٍ قَالَ: أَخْبَرَنِي سَهْلُ بْنُ أَبِي حَثْمَةَ قَالَ: لَقَدْ رَكَضَتْنِي فَرِيضَةٌ مِنْ تِلْكَ الْفَرَائِضِ بِالْمِرْبَدِ.

**[4348] 5 - (...)** It was narrated from Sahl bin Abî Ḥathmah Al-Anṣârî that some of them went to Khaibar, where they parted, and they found one of their number slain. He quoted the *Ḥadîth* (a *Ḥadîth* similar to no. 4346), in which he said: "The Messenger of Allâh ﷺ did not want his blood to have been shed in vain, so he paid one hundred camels from the *Zakâh* as blood money."

**[٤٣٤٨] ٥-(...) حَدَّثَنَا** مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا سَعِيدُ بْنُ عُبَيْدٍ: حَدَّثَنَا بُشَيْرُ بْنُ يَسَارٍ الْأَنْصَارِيُّ عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ الْأَنْصَارِيِّ، أَنَّهُ أَخْبَرَهُ: أَنَّ نَفَرًا مِنْهُمُ انْطَلَقُوا إِلَىٰ خَيْبَرَ، فَتَفَرَّقُوا فِيهَا، فَوَجَدُوا أَحَدَهُمْ قَتِيلًا، وَسَاقَ الْحَدِيثَ، وَقَالَ فِيهِ: فَكَرِهَ رَسُولُ اللهِ ﷺ أَنْ يُبْطِلَ دَمَهُ، فَوَدَاهُ مِائَةً مِنْ إِبِلِ الصَّدَقَةِ.

**[4349] 6 - (...)** It was narrated from Sahl bin Abî Ḥathmah that some of the elders of his people told him, that 'Abdullâh bin Sahl and Muḥaiṣah went out to Khaibar, because of some problem. Then Muḥaiṣah came and said that 'Abdullâh bin Sahl had been killed and thrown into a shallow well or ditch. He went to the Jews and said: "You killed him, by Allâh." They said: "By Allâh, we did not kill him." Then he went to his people and told them about that. Then he came with his brother Ḥuwaiṣah, who was older than him, and 'Abdur-Raḥmân bin Sahl. Muḥaiṣah

**[٤٣٤٩] ٦-(...) حَدَّثَنِي** إِسْحَاقُ ابْنُ مَنْصُورٍ: أَخْبَرَنَا بِشْرُ بْنُ عُمَرَ قَالَ: سَمِعْتُ مَالِكَ بْنَ أَنَسٍ يَقُولُ: حَدَّثَنِي أَبُو لَيْلَى بْنُ عَبْدِ اللهِ بْنِ عَبْدِ الرَّحْمَٰنِ بْنِ سَهْلٍ، عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ، أَنَّهُ أَخْبَرَهُ عَنْ رِجَالٍ مِنْ كُبَرَاءِ قَوْمِهِ، أَنَّ عَبْدَ اللهِ بْنَ سَهْلٍ وَمُحَيِّصَةَ خَرَجَا إِلَىٰ خَيْبَرَ، مِنْ جَهْدٍ أَصَابَهُمْ، فَأَتَىٰ مُحَيِّصَةُ فَأَخْبَرَ أَنَّ عَبْدَ اللهِ ابْنَ سَهْلٍ قَدْ قُتِلَ، وَطُرِحَ فِي عَيْنٍ أَوْ فَقِيرٍ، فَأَتَىٰ يَهُودَ فَقَالَ: أَنْتُمْ، وَاللهِ! قَتَلْتُمُوهُ، قَالُوا: وَاللهِ! مَا قَتَلْنَاهُ،

began to speak, as he was the one who had been in Khaibar, but the Messenger of Allâh ﷺ said to Muḥaiṣah: "Let the oldest speak." So Ḥuwaiṣah spoke, then Muḥaiṣah spoke, and the Messenger of Allâh ﷺ said: "They should pay the *Diyah* for your companion or else expect war." The Messenger of Allâh ﷺ wrote to them about that, and they wrote back (saying): "By Allâh we did not kill him." The Messenger of Allâh ﷺ said to Ḥuwaiṣah, Muḥaiṣah, and 'Abdur-Raḥmân: "Will you swear, so that you will be entitled to *Diyah* for the blood of your companion?" They said: "No." He said: "Then should the Jews swear for you?" They said: "They are not Muslims." So the Messenger of Allâh ﷺ paid the blood money for him, and sent one hundred camels to them.

Sahl said: "A red she-camel among them kicked me."

ثُمَّ أَقْبَلَ حَتَّىٰ قَدِمَ عَلَىٰ قَوْمِهِ، فَذَكَرَ لَهُمْ ذٰلِكَ، ثُمَّ أَقْبَلَ هُوَ وَأَخُوهُ حُوَيِّصَةُ - وَهُوَ أَكْبَرُ مِنْهُ - وَعَبْدُ الرَّحْمَٰنِ بْنُ سَهْلٍ، فَذَهَبَ مُحَيِّصَةُ لِيَتَكَلَّمَ، وَهُوَ الَّذِي كَانَ بِخَيْبَرَ، فَقَالَ رسُولُ الله ﷺ لِمُحَيِّصَةَ: «كَبِّرْ. كَبِّرْ» - يُرِيدُ السِّنَّ - فَتَكَلَّمَ حُوَيِّصَةُ، ثُمَّ تَكَلَّمَ مُحَيِّصَةُ، فَقَالَ رَسُولُ الله ﷺ: «إِمَّا أَنْ يَدُوا صَاحِبَكُمْ وَإِمَّا أَنْ يُؤْذِنُوا بِحَرْبٍ؟» فَكَتَبَ رَسُولُ الله ﷺ إِلَيْهِمْ فِي ذَلِكَ، فَكَتَبُوا: إِنَّا وَالله! مَا قَتَلْنَاهُ، فَقَالَ رَسُولُ الله ﷺ لِحُوَيِّصَةَ وَمُحَيِّصَةَ وَعَبْدِ الرَّحْمٰنِ: «أَتَحْلِفُونَ وَتَسْتَحِقُّونَ دَمَ صَاحِبِكُمْ؟» قَالُوا: لَا، قَالَ: «فَتَحْلِفُ لَكُمْ يَهُودُ؟» قَالُوا: لَيْسُوا مُسْلِمِينَ، فَوَدَاهُ رَسُولُ الله ﷺ مِنْ عِنْدِهِ، فَبَعَثَ إِلَيْهِمْ رَسُولُ الله ﷺ مِائَةَ نَاقَةٍ حَتَّىٰ أُدْخِلَتْ عَلَيْهِمُ الدَّارَ.

فَقَالَ سَهْلٌ: فَلَقَدْ رَكَضَتْنِي مِنْهَا نَاقَةٌ حَمْرَاءُ.

**[4350] 7 - (1670)** Abû Salamah bin 'Abdur-Raḥmân and Sulaimân bin Yasâr, the freed slave of Maimûnah, the wife of the Prophet ﷺ, narrated from an *Anṣârî* man among the Companions of the Messenger of Allâh ﷺ, that the Messenger of Allâh ﷺ confirmed

**[٤٣٥٠] ٧-(١٦٧٠) حَدَّثَنِي** أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ - قَالَ أَبُو الطَّاهِرِ: حَدَّثَنَا، وَقَالَ حَرْمَلَةُ: أَخْبَرَنَا - ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي أَبُو سَلَمَةَ بْنِ عَبْدِ

*Qasâmah* as it had been during the *Jâhiliyyah*.

الرَّحْمٰنِ، وَسُلَيْمَانُ بْنُ يَسَارٍ مَوْلَىٰ مَيْمُونَةَ زَوْجِ النَّبِيِّ ﷺ، عَنْ رَجُلٍ مِنْ أَصْحَابِ رَسُولِ اللهِ ﷺ مِنَ الْأَنْصَارِ؛ أَنَّ رَسُولَ اللهِ ﷺ: أَقَرَّ الْقَسَامَةَ عَلَىٰ مَا كَانَتْ عَلَيْهِ فِي الْجَاهِلِيَّةِ.

**[4351] 8 - (...)** Ibn Shihâb narrated a similar report (as no. 4350) with this chain, and he added: "The Messenger of Allâh ﷺ passed a judgment among some of the *Anṣâr*, concerning a slain man whom they claimed had been killed by the Jews."

**[٤٣٥١] ٨-(...) وحَدَّثَنَا** مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: حَدَّثَنِي ابْنُ شِهَابٍ بِهٰذَا الْإِسْنَادِ مِثْلَهُ، وَزَادَ: وَقَضَىٰ بِهَا رَسُولُ اللهِ ﷺ بَيْنَ نَاسٍ مِنَ الْأَنْصَارِ، فِي قَتِيلٍ ادَّعَوْهُ عَلَىٰ الْيَهُودِ.

**[4352] (...)** It was narrated from Ibn Shihâb that Abû Salamah bin 'Abdur-Raḥmân and Sulaimân bin Yasâr told him from some of the *Anṣâr*, from the Prophet ﷺ - a *Ḥadîth* like that of Ibn Juraij (no. 4351).

**[٤٣٥٢] (...) وحَدَّثَنَا** حَسَنُ بْنُ عَلِيٍّ الْحُلْوَانِيُّ: حَدَّثَنَا يَعْقُوبُ وَهُوَ ابْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي عَنْ صَالِحٍ، عَنِ ابْنِ شِهَابٍ؛ أَنَّ أَبَا سَلَمَةَ ابْنَ عَبْدِ الرَّحْمٰنِ وَسُلَيْمَانَ بْنَ يَسَارٍ أَخْبَرَاهُ عَنْ نَاسٍ مِنَ الْأَنْصَارِ، عَنِ النَّبِيِّ ﷺ، بِمِثْلِ حَدِيثِ ابْنِ جُرَيْجٍ.

## Chapter 2. The Ruling On *Muhâribîn* And Apostates

## (المعجم ٢) - (**بَابُ حكم المحاربين والمرتدين**) (التحفة ٢)

**[4353] 9 - (1671)** It was narrated from Anas bin Mâlik that some people from 'Uraynah came to the Messenger of Allâh ﷺ in Al-Madînah, but they found that the climate did not suit them

**[٤٣٥٣] ٩-(١٦٧١) وحَدَّثَنَا** يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، كِلَاهُمَا عَنْ هُشَيْمٍ، - وَاللَّفْظُ لِيَحْيَىٰ - قَالَ: أَخْبَرَنَا هُشَيْمٌ، عَنْ عَبْدِ

(and they fell sick). The Messenger of Allâh ﷺ said to them: "If you wish, you may go out to the camels from *Ṣadaqah* and drink their milk and urine." So they did that and got better. Then they went to the herdsmen and killed them, and apostatized from Islam, and drove off the camels of the Messenger of Allâh ﷺ. News of that reached the Prophet ﷺ and he sent men after them. They were brought, and he had their hands and feet cut off, and their eyes poked out, and he left them in Al-Ḥarrah until they died.

**[4354] 10 - (...)** It was narrated from Abû Qilâbah: "Anas told me that eight men from 'Ukl came to the Messenger of Allâh ﷺ, and they swore allegiance as Muslims, but they found that the land (i.e., the climate) did not suit them and they fell sick. They complained about that to the Messenger of Allâh ﷺ, and he said: 'Why don't you go out with our herdsman to the camels and get some of their milk and urine?' They said: 'Yes.' So they went out and drank some of their milk and urine, and they got better. Then they killed the herdsman and drove away the camels. News of that reached the Messenger of Allâh ﷺ, and he

الْعَزِيزِ بْنِ صُهَيْبٍ وَحُمَيْدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ؛ أَنَّ نَاسًا مِنْ عُرَيْنَةَ قَدِمُوا عَلَىٰ رَسُولِ اللهِ ﷺ الْمَدِينَةَ، فَاجْتَوَوْهَا، فَقَالَ لَهُمْ رَسُولُ اللهِ ﷺ: «إِنْ شِئْتُمْ أَنْ تَخْرُجُوا إِلَىٰ إِبِلِ الصَّدَقَةِ فَتَشْرَبُوا مِنْ أَلْبَانِهَا وَأَبْوَالِهَا» فَفَعَلُوا، فَصَحُّوا، ثُمَّ مَالُوا عَلَىٰ الرُّعَاءِ فَقَتَلُوهُمْ، وَارْتَدُّوا عَنِ الْإِسْلَامِ، وَسَاقُوا ذَوْدَ رَسُولِ اللهِ ﷺ، فَبَلَغَ ذَلِكَ النَّبِيَّ ﷺ، فَبَعَثَ فِي أَثَرِهِمْ فَأُتِيَ بِهِمْ، فَقَطَعَ أَيْدِيَهُمْ وَأَرْجُلَهُمْ، وَسَمَلَ أَعْيُنَهُمْ، وَتَرَكَهُمْ فِي الْحَرَّةِ حَتَّىٰ مَاتُوا.

**[٤٣٥٤] ١٠-(...)** وَحَدَّثَنَا أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ الصَّبَّاحِ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لِأَبِي بَكْرٍ - قَالَ: حَدَّثَنَا ابْنُ عُلَيَّةَ عَنْ حَجَّاجٍ ابْنِ أَبِي عُثْمَانَ: حَدَّثَنِي أَبُو رَجَاءٍ مَوْلَىٰ أَبِي قِلَابَةَ، عَنْ أَبِي قِلَابَةَ: حَدَّثَنِي أَنَسٌ؛ أَنَّ نَفَرًا مِنْ عُكْلٍ، ثَمَانِيَةً، قَدِمُوا عَلَىٰ رَسُولِ اللهِ ﷺ، فَبَايَعُوهُ عَلَىٰ الْإِسْلَامِ، فَاسْتَوْخَمُوا الْأَرْضَ، وَسَقُمَتْ أَجْسَامُهُمْ، فَشَكَوْا ذٰلِكَ إِلَىٰ رَسُولِ اللهِ ﷺ، فَقَالَ: «أَلَا تَخْرُجُونَ مَعَ رَاعِينَا فِي إِبِلِهِ فَتُصِيبُونَ مِنْ أَبْوَالِهَا وَأَلْبَانِهَا؟»

فَقَالُوا: بَلَىٰ، فَخَرَجُوا فَشَرِبُوا مِنْ أَبْوَالِهَا وَأَلْبَانِهَا، فَصَحُّوا، فَقَتَلُوا الرَّاعِيَ وَطَرَدُوا الْإِبِلَ، فَبَلَغَ ذٰلِكَ رَسُولَ اللهِ ﷺ، فَبَعَثَ فِي آثَارِهِمْ، فَأُدْرِكُوا، فَجِيءَ بِهِمْ، فَأَمَرَ بِهِمْ فَقُطِعَتْ أَيْدِيهِمْ وَأَرْجُلُهُمْ وَسُمِرَ أَعْيُنُهُمْ، ثُمَّ نُبِذُوا فِي الشَّمْسِ حَتَّىٰ مَاتُوا.

وَقَالَ ابْنُ الصَّبَّاحِ فِي رِوَايَتِهِ: وَاطَّرَدُوا النَّعَمَ، وَقَالَ: وَسُمِّرَتْ أَعْيُنُهُمْ.

sent men after them. They were caught and brought, and he ordered that their hands and feet be cut off and their eyes be branded, then they were left in the sun until they died."

[٤٣٥٥] ١١-(...) وحَدَّثَنَا هَٰرُونُ ابْنُ عَبْدِ اللهِ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ أَبِي رَجَاءٍ مَوْلَىٰ أَبِي قِلَابَةَ قَالَ أَبُو قِلَابَةَ: حَدَّثَنَا أَنَسُ بْنُ مَالِكٍ قَالَ: قَدِمَ عَلَىٰ رَسُولِ اللهِ ﷺ قَوْمٌ مِنْ عُكْلٍ أَوْ عُرَيْنَةَ، فَاجْتَوَوُا الْمَدِينَةَ، فَأَمَرَ لَهُمْ رَسُولُ اللهِ ﷺ بِلِقَاحٍ، وَأَمَرَهُمْ أَنْ يَشْرَبُوا مِنْ أَبْوَالِهَا وَأَلْبَانِهَا، بِمَعْنَىٰ حَدِيثِ حَجَّاجِ ابْنِ أَبِي عُثْمَانَ.

وقَالَ: وَسُمِّرَتْ أَعْيُنُهُمْ، وَأُلْقُوا فِي الْحَرَّةِ يَسْتَسْقُونَ فَلَا يُسْقَوْنَ.

**[4355] 11 - (...)** Anas bin Mâlik narrated: "Some people from 'Ukl or 'Uraynah came to the Messenger of Allâh ﷺ, but Al-Madînah did not suit them (and they fell sick), so the Messenger of Allâh ﷺ told them to go to some milch camels and drink their milk and urine..." a *Hadîth* like that of Hajjâj bin Abî 'Uthmân (no. 4354).

He said: "Their eyes were branded and they were left in Al-Harrah, asking for water, but they were not given any water."

[٤٣٥٦] ١٢-(...) وحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُعَاذُ بْنُ مُعَاذٍ؛ وَحَدَّثَنَا أَحْمَدُ بْنُ عُثْمَانَ النَّوْفَلِيُّ: حَدَّثَنَا أَزْهَرُ السَّمَّانُ قَالَا: حَدَّثَنَا ابْنُ عَوْنٍ: حَدَّثَنَا

**[4356] 12 - (...)** It was narrated that Abû Qilâbah said: "I was sitting behind 'Umar bin 'Abdul-'Azîz, and he said to the people: 'What do you say about *Qasâmah*?' 'Anbasah said: 'Anas bin Mâlik told us such-and-such.' I said: 'Anas told

me that some people came to the Prophet ﷺ...'" and he quoted a *Hadîth* like that of Ayyûb and Hajjâj (no. 4354 and 4355). Abû Qilâbah said: "When I had finished, 'Anbasah said: '*Subhân Allâh*!" Abû Qilâbah said: "I said: 'Are you suspecting me (of lying), O 'Anbasah?' He said: 'No, this is what Anas bin Mâlik told us.' You will still be fine, O people of Ash-Shâm, so long as this man, or one like him, is among you.'"

أَبُو رَجَاءٍ مَوْلَىٰ أَبِي قِلَابَةَ، عَنْ أَبِي قِلَابَةَ قَالَ: كُنْتُ جَالِسًا خَلْفَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، فَقَالَ لِلنَّاسِ: مَا تَقُولُونَ فِي الْقَسَامَةِ؟ فَقَالَ عَنْبَسَةُ: قَدْ حَدَّثَنَا أَنَسُ بْنُ مَالِكٍ كَذَا وَكَذَا، فَقُلْتُ: إِيَّايَ حَدَّثَ أَنَسٌ: قَدِمَ عَلَىٰ النَّبِيِّ ﷺ قَوْمٌ، وَسَاقَ الْحَدِيثَ بِنَحْوِ حَدِيثِ أَيُّوبَ وَحَجَّاجٍ، قَالَ أَبُو قِلَابَةَ: فَلَمَّا فَرَغْتُ، قَالَ عَنْبَسَةُ: سُبْحَانَ اللهِ! قَالَ أَبُو قِلَابَةَ: فَقُلْتُ: أَتَتَّهِمُنِي يَا عَنْبَسَةُ؟ قَالَ: لَا، هٰكَذَا حَدَّثَنَا أَنَسُ [بْنُ مَالِكٍ]، لَنْ تَزَالُوا بِخَيْرٍ، يَا أَهْلَ الشَّامِ، مَا دَامَ فِيكُمْ هٰذَا أَوْ مِثْلُ هٰذَا.

**[4357] (...)** It was narrated from Abû Qilâbah, that Anas bin Mâlik said: "Eight men from 'Ukl came to the Messenger of Allâh ﷺ..." a *Hadîth* like theirs (i.e., Ayyûb and Hajjâj, no. 4354, 4355) and he added: "And he did not cauterize them."

[٤٣٥٧] (...) **وحَدَّثَنَا** الْحَسَنُ بْنُ أَبِي شُعَيْبٍ الْحَرَّانِيُّ: حَدَّثَنَا مِسْكِينٌ - وَهُوَ ابْنُ بُكَيْرٍ - الْحَرَّانِيُّ: أَخْبَرَنَا الْأَوْزَاعِيُّ؛ وَحَدَّثَنَا عَبْدُ اللهِ بْنُ عَبْدِ الرَّحْمٰنِ الدَّارِمِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ يُوسُفَ عَنِ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَدِمَ عَلَىٰ رَسُولِ اللهِ ﷺ ثَمَانِيَةُ نَفَرٍ مِنْ عُكْلٍ، بِنَحْوِ حَدِيثِهِمْ، وَزَادَ فِي الْحَدِيثِ: وَلَمْ يَحْسِمْهُمْ.

**[4358] 13 - (...)** It was narrated that Anas bin Mâlik said: "Some

[٤٣٥٨] ١٣-(...) **وحَدَّثَنَا**

هَـٰرُونُ بْنُ عَبْدِ اللهِ: حَدَّثَنَا مَالِكُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا سِمَاكُ ابْنُ حَرْبٍ، عَنْ مُعَاوِيَةَ بْنِ قُرَّةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: أَتَىٰ رَسُولَ اللهِ ﷺ نَفَرٌ مِنْ عُرَيْنَةَ، فَأَسْلَمُوا وَبَايَعُوهُ، وَقَدْ وَقَعَ بِالْمَدِينَةِ الْمُومُ - وَهُوَ الْبِرْسَامُ - ثُمَّ ذَكَرَ نَحْوَ حَدِيثِهِمْ، وَزَادَ: وَعِنْدَهُ شَبَابٌ مِنَ الْأَنْصَارِ قَرِيبٌ مِنْ عِشْرِينَ، فَأَرْسَلَهُمْ إِلَيْهِمْ، وَبَعَثَ مَعَهُمْ قَائِفًا يَقْتَصُّ أَثَرَهُمْ.

people from ‘Uraynah came to the Messenger of Allâh ﷺ, and they become Muslim and swore allegiance to him. Then Al-Madînah was stricken with *Al-Mûm* - and it is pleurisy -...” and he mentioned a Hadîth like theirs (no. 4354, 4355), and added: “There were twenty young men of the *Anṣâr* with him, so he sent them to them, and he sent with them a tracker to follow their tracks.”

[٤٣٥٩] (...) **وَحَدَّثَنَا** هَدَّابُ بْنُ خَالِدٍ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَتَادَةُ عَنْ أَنَسٍ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ أَنَسٍ وَفِي حَدِيثِ هَمَّامٍ: قَدِمَ عَلَىٰ النَّبِيِّ ﷺ رَهْطٌ مِنْ عُرَيْنَةَ، وَفِي حَدِيثِ سَعِيدٍ: مِنْ عُكْلٍ وَعُرَيْنَةَ، نَحْوَ حَدِيثِهِمْ.

**[4359] (...)** It was narrated from Anas, and in the Hadîth of Hammâm (a sub-narrator it says): “Some people from ‘Uraynah came to the Prophet ﷺ...” In the Hadîth of Sa‘eed it says: “From ‘Ukl and ‘Uraynah,” a similar Hadîth (as no. 4358).

[٤٣٦٠] ١٤-(...) **وحَدَّثَني** الْفَضْلُ بْنُ سَهْلٍ الْأَعْرَجُ: حَدَّثَنَا يَحْيَىٰ ابْنُ غَيْلَانَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ، عَنْ سُلَيْمَانَ التَّيْمِيِّ، عَنْ أَنَسٍ قَالَ: إِنَّمَا سَمَلَ النَّبِيُّ ﷺ أَعْيُنَ أُولَٰئِكَ، لِأَنَّهُمْ سَمَلُوا أَعْيُنَ الرِّعَاءِ.

**[4360] 14 - (...)** It was narrated that Anas said: “The Prophet ﷺ had the eyes of those people poked out because they had poked out the eyes of the herdsmen.”

## Chapter 3. Confirmation Of *Qiṣaṣ* In The Case Of Killing With A Rock and Other Sharp Or Heavy Objects, And The Killing Of A Man For A Woman

## (المعجم ٣) - (بَابُ ثبوت القصاص في القتل بالحجر وغيره، من المحددات والمثقلات، وقتل الرجل بالمرأة) (التحفة ٣)

**[4361] 15 - (1672)** It was narrated from Anas bin Mâlik that a Jew killed a girl for her silver ornaments, and he killed her with a rock. She was brought to the Prophet ﷺ when there was still some life in her, and he said to her: "Did so-and-so kill you?" She gestured with her head saying no. He asked her again and she gestured with her head saying no. Then he asked her a third time and she said: Yes, gesturing with her head, so the Messenger of Allâh ﷺ had him killed between two rocks.

**[٤٣٦١] ١٥-(١٦٧٢)** حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَمُحَمَّدُ بْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّىٰ - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ هِشَامِ بْنِ زَيْدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ، يَهُودِيًّا قَتَلَ جَارِيَةً عَلَىٰ أَوْضَاحٍ لَهَا، فَقَتَلَهَا بِحَجَرٍ، قَالَ: فَجِيءَ بِهَا إِلَى النَّبِيِّ ﷺ، وَبِهَا رَمَقٌ، فَقَالَ لَهَا: «أَقَتَلَكِ فُلَانٌ؟» فَأَشَارَتْ بِرَأْسِهَا أَنْ لَا، ثُمَّ قَالَ لَهَا الثَّانِيَةَ، فَأَشَارَتْ بِرَأْسِهَا أَنْ لَا، ثُمَّ سَأَلَهَا الثَّالِثَةَ، فَقَالَتْ: نَعَمْ، وَأَشَارَتْ بِرَأْسِهَا، فَقَتَلَهُ رَسُولُ اللهِ ﷺ بَيْنَ حَجَرَيْنِ.

**[4362] (...)** A similar report (as *Ḥadîth* no. 4361) was narrated from Shu'bah with this chain. In the *Ḥadîth* of Idrîs (a sub-narrator) it says that his head was crushed between two rocks.

**[٤٣٦٢] (...)** حَدَّثَنِي يَحْيَى بْنُ حَبِيبٍ الْحَارِثِيُّ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا ابْنُ إِدْرِيسَ، كِلَاهُمَا عَنْ شُعْبَةَ بِهَـٰذَا الْإِسْنَادِ نَحْوَهُ، وَفِي حَدِيثِ ابْنِ إِدْرِيسَ: فَرَضَخَ رَأْسَهُ بَيْنَ حَجَرَيْنِ.

**[4363] 16 - (...)** It was narrated from Anas that a Jewish man killed an *Anṣârî* girl for her

**[٤٣٦٣] ١٦-(...)** وَحَدَّثَنَا عَبْدُ ابْنُ حُمَيْدٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا

jewelry, then he threw her into a well and crushed her head with rocks. He was caught and brought to the Messenger of Allâh ﷺ, who ordered that he be stoned to death, so he was stoned to death.

مَعْمَرٌ، عَنْ أَيُّوبَ، عَنْ أَبِي قِلَابَةَ، عَنْ أَنَسٍ؛ أَنَّ رَجُلًا مِنَ الْيَهُودِ قَتَلَ جَارِيَةً مِنَ الْأَنْصَارِ عَلَىٰ حُلِيٍّ لَهَا، ثُمَّ أَلْقَاهَا فِي الْقَلِيبِ، وَرَضَخَ رَأْسَهَا بِالْحِجَارَةِ، فَأُخِذَ فَأُتِيَ بِهِ رَسُولُ اللهِ ﷺ، فَأَمَرَ بِهِ أَنْ يُرْجَمَ، حَتَّىٰ يَمُوتَ، فَرُجِمَ حَتَّىٰ مَاتَ.

**[4364] (...)** A similar report (as *Hadîth* no. 4361) was narrated from Ayyûb with this chain.

**[٤٣٦٤] (...) وحَدَّثني** إِسْحٰقُ بْنُ مَنْصُورٍ: أَخْبَرَنَا مُحَمَّدُ بْنُ بَكْرٍ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي مَعْمَرٌ، عَنْ أَيُّوبَ بِهٰذَا الْإِسْنَادِ، مِثْلَهُ.

**[4365] 17 - (...)** It was narrated from Anas bin Mâlik that a girl was found with her head crushed between two rocks. They asked her: "Who did this to you? Was it so-and-so? Was it so-and-so?" Until they mentioned that Jew, and she nodded her head. The Jew was caught and he admitted it, so the Messenger of Allâh ﷺ ordered that his head be struck with rocks.

**[٤٣٦٥] ١٧-(...) حَدَّثَنَا** هَدَّابُ ابْنُ خَالِدٍ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَتَادَةُ، عَنْ أَنَسِ بْنِ مَالِكٍ؛ أَنَّ جَارِيَةً وُجِدَ رَأْسُهَا قَدْ رُضَّ بَيْنَ حَجَرَيْنِ، فَسَأَلُوهَا: مَنْ صَنَعَ هٰذَا بِكِ؟ فُلَانٌ؟ فُلَانٌ؟ حَتَّىٰ ذَكَرُوا الْيَهُودِيَّ، فَأَوْمَتْ بِرَأْسِهَا، فَأُخِذَ الْيَهُودِيُّ فَأَقَرَّ، فَأَمَرَ بِهِ رَسُولُ اللهِ ﷺ أَنْ يُرَضَّ رَأْسُهُ بِالْحِجَارَةِ.

## Chapter 4. If A Person Attacks Another Person's Life And Limb, And The Other Defends Himself And Kills Him Or Injures Him, There Is No Penalty On Him

## (المعجم ٤) - (بَابُ الصائل على نفس الإنسان و عضوه، إذا دفعه المصول عليه، فأتلف نفسه أو عضوه، لا ضمان عليه) (التحفة ٤)

**[4366] 18 - (1673)** It was narrated that 'Imrân bin Husain said: "Ya'la bin Munyah or Ibn

**[٤٣٦٦] ١٨-(١٦٧٣) حَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ

Umayyah fought a man. One of them bit the other, and he tried to pull his hand away from his mouth, and his incisor fell out - Ibn Al-Muthannah said that two incisors fell out. They referred their dispute to the Prophet ﷺ and he said: "Would one of you bite as a male camel bites?" There is no *Diyah* for him."

ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ زُرَارَةَ، عَنْ عِمْرَانَ ابْنِ حُصَيْنٍ قَالَ: قَاتَلَ يَعْلَى بْنُ مُنْيَةَ أَوِ ابْنُ أُمَيَّةَ رَجُلًا، فَعَضَّ أَحَدُهُمَا صَاحِبَهُ، فَانْتَزَعَ يَدَهُ مِنْ فِيهِ، فَنَزَعَ ثَنِيَّتَهُ، - وَقَالَ ابْنُ الْمُثَنَّىٰ: ثَنِيَّتَيْهِ - فَاخْتَصَمَا إِلَى النَّبِيِّ ﷺ، فَقَالَ: «أَيَعَضُّ أَحَدُكُمْ كَمَا يَعَضُّ الْفَحْلُ؟ لَا دِيَةَ لَهُ» [انظر: ٤٣٧٠]

**[4367] (...)** A similar report (as no. 4366) was narrated from Ya'la, from the Prophet ﷺ.

[٤٣٦٧] (...) **وَحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ عَطَاءٍ، عَنِ ابْنِ يَعْلَى، عَنْ يَعْلَىٰ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ.

**[4368] 19 - (...)** It was narrated from 'Imrân bin Ḥuṣain that a man bit the arm of another man, who pulled it away and his incisor fell out. The matter was referred to the Prophet ﷺ who dismissed the claim and said: "Did you want to eat his flesh?"

[٤٣٦٨] **١٩**-(...) **وَحَدَّثَنِي** أَبُو غَسَّانَ الْمِسْمَعِيُّ، حَدَّثَنَا مُعَاذٌ يَعْنِي ابْنَ هِشَامٍ، حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ زُرَارَةَ ابْنِ أَوْفَىٰ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ رَجُلًا عَضَّ ذِرَاعَ رَجُلٍ، فَجَذَبَهُ فَسَقَطَتْ ثَنِيَّتُهُ، فَرُفِعَ إِلَى النَّبِيِّ ﷺ فَأَبْطَلَهُ، وَقَالَ: «أَرَدْتَ أَنْ تَأْكُلَ لَحْمَهُ؟».

**[4369] 20 - (1674)** It was narrated from Ṣafwân bin Ya'la that a servant of Ya'la bin Munyah bit another man on the arm, and he pulled it away and his incisor fell out. The matter was referred to the Prophet ﷺ

[٤٣٦٩] **٢٠**-(١٦٧٤) **وَحَدَّثَنِي** أَبُو غَسَّانَ الْمِسْمَعِيُّ: حَدَّثَنَا مُعَاذٌ [يَعْنِي ابْنَ هِشَامٍ]: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ بُدَيْلٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ

who dismissed the claim and said: "Did you want to bite him as a male camel bites?"

صَفْوَانَ بْنِ يَعْلَىٰ أَنَّ أَجِيرًا لِيَعْلَى بْنِ مُنْيَةَ، عَضَّ رَجُلٌ ذِرَاعَهُ، فَجَذَبَهَا فَسَقَطَتْ ثَنِيَّتُهُ، فَرُفِعَ إِلَىٰ النَّبِيِّ ﷺ فَأَبْطَلَهَا وَقَالَ: «أَرَدْتَ أَنْ تَقْضَمَهَا كَمَا يَقْضَمُ الْفَحْلُ؟». [انظر: ٤٣٧١]

**[4370] 21 - (1673)** It was narrated from 'Imrân bin Ḥuṣain that a man bit the hand of another man, who pulled his hand away and one or more of his incisors fell out. He referred the matter to the Messenger of Allâh ﷺ and the Messenger of Allâh ﷺ said: "What do you want me to do? Do you want me to order him to put his hand in your mouth so that you can bite it like a male camel? Give him your hand so that he can bite it, then you can pull it away"

**[٤٣٧٠] ٢١-(١٦٧٣) حَدَّثَنَا** أَحْمَدُ بْنُ عُثْمَانَ النَّوْفَلِيُّ: حَدَّثَنَا قُرَيْشُ بْنُ أَنَسٍ، عَنِ ابْنِ عَوْنٍ، عَنْ [مُحَمَّدِ] بْنِ سِيرِينَ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ؛ أَنَّ رَجُلًا عَضَّ يَدَ رَجُلٍ، فَانْتَزَعَ يَدَهُ فَسَقَطَتْ ثَنِيَّتُهُ أَوْ ثَنَايَاهُ، فَاسْتَعْدَىٰ رَسُولَ اللهِ ﷺ، فَقَالَ رَسُولُ اللهِ ﷺ: «مَا تَأْمُرُنِي؟ تَأْمُرُنِي أَنْ آمُرَهُ أَنْ يَدَعَ يَدَهُ فِي فِيكَ تَقْضَمُهَا كَمَا يَقْضَمُ الْفَحْلُ؟ ادْفَعْ يَدَكَ حَتَّىٰ يَعَضَّهَا ثُمَّ انْتَزِعْهَا». [راجع: ٤٣٦٦]

**[4371] 22 - (1674)** It was narrated from Ṣafwân bin Ya'la bin Munyah that his father said: "A man came to the Prophet ﷺ. He had bitten a man's hand, who had pulled his hand away and his incisors had fallen out." He said: "The Prophet ﷺ dismissed the claim and said: 'Did you want to bite him as a camel bites?'"

**[٤٣٧١] ٢٢-(١٦٧٤) حَدَّثَنَا** شَيْبَانُ ابْنُ فَرُّوخَ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا عَطَاءٌ عَنْ صَفْوَانَ بْنِ يَعْلَى ابْنِ مُنْيَةَ، عَنْ أَبِيهِ قَالَ: أَتَى النَّبِيَّ ﷺ رَجُلٌ، وَقَدْ عَضَّ يَدَ رَجُلٍ، فَانْتَزَعَ يَدَهُ فَسَقَطَتْ ثَنِيَّتَاهُ يَعْنِي الَّذِي عَضَّهُ قَالَ: فَأَبْطَلَهَا النَّبِيُّ ﷺ، وَقَالَ: «أَرَدْتَ أَنْ تَقْضَمَهُ كَمَا يَقْضَمُ الْفَحْلُ؟». [راجع: ٤٣٦٩]

**[4372] 23 - (...)** Ṣafwân bin Ya'la bin Umayyah narrated that his father said: "I went out with

**[٤٣٧٢] ٢٣-(. . .) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو أُسَامَةَ: أَخْبَرَنَا

the Prophet ﷺ on the campaign to Tâbûk. He said: 'Ya'la used to say: "That campaign was the best of my deeds, in my view."' 'Aṭâ' said: "Ṣafwân said: 'Ya'la said: "I had a servant who fought with another man and one of them bit the hand of the other" - Ṣafwân said: "He told me which of them bit the other - the one who was bit pulled his hand away from the one who bit him, and pulled out one of his incisors. They came to the Prophet ﷺ, who dismissed his claim for his tooth."

ابْنُ جُرَيْجٍ: أَخْبَرَنِي عَطَاءٌ: أَخْبَرَنِي صَفْوَانُ بْنُ يَعْلَى بْنِ أُمَيَّةَ عَنْ أَبِيهِ قَالَ: غَزَوْتُ مَعَ النَّبِيِّ ﷺ غَزْوَةَ تَبُوكَ، قَالَ: وَكَانَ يَعْلَىٰ يَقُولُ: تِلْكَ الْغَزْوَةُ أَوْثَقُ عَمَلِي عِنْدِي، فَقَالَ عَطَاءٌ: قَالَ صَفْوَانُ: قَالَ يَعْلَىٰ: كَانَ لِي أَجِيرٌ، فَقَاتَلَ إِنْسَانًا فَعَضَّ أَحَدُهُمَا يَدَ الْآخَرِ - قَالَ: لَقَدْ أَخْبَرَنِي صَفْوَانُ أَيُّهُمَا عَضَّ الْآخَرَ - فَانْتَزَعَ الْمَعْضُوضُ يَدَهُ مِنْ فِي الْعَاضِّ، فَانْتَزَعَ إِحْدَىٰ ثَنِيَّتَيْهِ، فَأَتَيَا النَّبِيَّ ﷺ، فَأَهْدَرَ ثَنِيَّتَهُ.

[4373] (...) Ibn Juraij narrated a similar report (as no. 4372) with this chain.

[٤٣٧٣] (...) وحَدَّثَناه عَمْرُو بْنُ زُرَارَةَ، أَخْبَرَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا ابْنُ جُرَيْجٍ بِهَٰذَا الْإِسْنَادِ، نَحْوَهُ.

## Chapter 5. The Validity Of *Qiṣâṣ* For Teeth And The Like

## (المعجم ٥) - (بَابُ إثبات القصاص في الأسنان وما في معناها) (التحفة ٥)

[4374] 24 - (1675) It was narrated from Anas that the sister of Ar-Rubaî' Umm Ḥârithah, injured a person. They referred the dispute to the Prophet ﷺ and the Messenger of Allâh ﷺ said: "*Qiṣâṣ, Qiṣâṣ.*" Umm Ar-Rabî' said: "O Messenger of Allâh, will *Qiṣâṣ* be taken from So-and-so? By Allâh, no *Qiṣâṣ* will be taken from her!" The Prophet ﷺ said: "*Subḥân-Allâh*, O Umm Ar-Rabî'! *Qiṣâṣ* is a command in the Book of

[٤٣٧٤] ٢٤-(١٦٧٥) وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَّانُ [ابْنُ مُسْلِمٍ]: حَدَّثَنَا حَمَّادٌ: أَخْبَرَنَا ثَابِتٌ، عَنْ أَنَسٍ، أَنَّ أُخْتَ الرُّبَيِّعِ أُمَّ حَارِثَةَ، جَرَحَتْ إِنْسَانًا، فَاخْتَصَمُوا إِلَى النَّبِيِّ ﷺ، فَقَالَ رَسُولُ اللهِ ﷺ: «الْقِصَاصَ، الْقِصَاصَ» فَقَالَتْ أُمُّ الرَّبِيعِ: يَا رَسُولَ اللهِ! أَيُقْتَصُّ مِنْ فُلَانَةَ؟ وَاللهِ!

Allâh." She said: "No, by Allâh, no *Qiṣâṣ* will ever be taken from her." She kept saying it until they accepted the *Diyah*. The Messenger of Allâh ﷺ said: "Among the slaves of Allâh are those who, if they swear by Allâh that something will happen or not happen, then their oaths will be fulfilled."

لَا يُقْتَصُّ مِنْهَا، فَقَالَ النَّبِيُّ ﷺ: «سُبْحَانَ اللهِ! يَا أُمَّ الرَّبِيعِ! الْقِصَاصُ كِتَابُ اللهِ» قَالَتْ: لَا، واللهِ! لَا يُقْتَصُّ مِنْهَا أَبَدًا، قَالَ: فَمَا زَالَتْ حَتَّىٰ قَبِلُوا الدِّيَةَ، فَقَالَ رَسُولُ اللهِ ﷺ: «إِنَّ مِنْ عِبَادِ اللهِ مَنْ لَوْ أَقْسَمَ عَلَىٰ اللهِ لَأَبَرَّهُ».

## Chapter 6. When It Is Permissible To Shed The Blood Of A Muslim

## (المعجم ٦) - (بَابُ ما يباح به دم المسلم) (التحفة ٦)

**[4375] 25 - (1676)** It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'It is not permissible to shed the blood of a Muslim who testifies that none has the right to be worshiped but Allâh and that I am the Messenger of Allâh, except in one of three cases: A married (or previously married) adulterer, a life for a life, or one who forsakes his religion leaving the *Jamâ'ah* (the congregation of Muslims)."

**[٤٣٧٥] ٢٥-(١٦٧٦)** حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حَفْصُ ابْنُ غِيَاثٍ وَأَبُو مُعَاوِيَةَ وَوَكِيعٌ، عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللهِ بْنِ مُرَّةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا يَحِلُّ دَمُ امْرِئٍ مُسْلِمٍ، يَشْهَدُ أَنْ لَا إِلٰهَ إِلَّا اللهُ، وَأَنِّي رَسُولُ اللهِ، إِلَّا بِإِحدَىٰ ثَلَاثٍ: الثَّيِّبُ الزَّانِ، وَالنَّفْسُ بِالنَّفْسِ، وَالتَّارِكُ لِدِينِهِ الْمُفَارِقُ لِلْجَمَاعَةِ».

**[4376] (...)** A similar report (as *Ḥadîth* no. 4375) was narrated from Al-A'mash with this chain.

**[٤٣٧٦] (...)** حَدَّثَنَا ابْنُ نُمَيْرٍ، حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ؛ وحَدَّثَنَا إِسْحٰقُ بْنُ إِبْرَاهِيمَ وَعَلِيُّ ابْنُ خَشْرَمٍ قَالَا: أَخْبَرَنَا عِيسَى بْنُ يُونُسَ، كُلُّهُمْ عَنِ الْأَعْمَشِ بِهَٰذَا الْإِسْنَادِ. مِثْلَهُ.

**[4377] 26 - (...)** It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ stood up among us and said: 'By the One besides Whom none has the right to be worshiped! It is not permissible to shed the blood of a Muslim man who testifies that none has the right to be worshiped but Allâh and that I am the Messenger of Allâh, except in three cases: One who leaves Islam abandoning the *Jamâ'ah* (the congregation of Muslims), a married (or previously married) adulterer, and a life for a life.'"

Al-A'mash said: I narrated it to Ibrâhîm, and he narrated a similar report from Al-Aswad, from 'Âishah.

[٤٣٧٧] **٢٦**-(. . .) **حَدَّثَنَا** أَحْمَدُ بْنُ حَنْبَلٍ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ - وَاللَّفْظُ لِأَحْمَدَ - قال: حَدَّثَنَا عَبْدُ الرحْمَٰنِ بْنُ مهْدِيٍّ عَنْ سُفْيَانَ، عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللهِ بْنِ مُرَّةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللهِ قَالَ: قَامَ فِينَا رَسُولُ اللهِ ﷺ فَقَالَ: «وَالَّذِي لَا إِلَٰهَ غَيْرُهُ لَا يَحِلُّ دَمُ رَجُلٍ مُسْلِمٍ يَشْهَدُ أَنْ لَا إِلَٰهَ إِلَّا اللهُ، وَأَنِّي رَسُولُ اللهِ، إِلَّا ثَلَاثَةُ نَفَرٍ: التَّارِكُ لِلإِسْلَامِ، الْمُفَارِقُ لِلْجَمَاعَةِ أَوِ الْجَمَاعَةَ، - شَكَّ فِيهِ أَحْمَدُ - وَالثَّيِّبُ الزَّانِي، وَالنَّفْسُ بِالنَّفْسِ».

قَالَ الْأَعْمَشُ: فَحَدَّثْتُ بِهِ إِبْرَاهِيمَ، فَحَدَّثَنِي عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ. بِمِثْلِهِ.

**[4378] (...)** A *Hadîth* like that of Sufyân (no. 4377) was narrated from Al-A'mash with both chains, but he did not mention in his *Hadîth* the words: "By the One besides Whom none has the right to be worshiped."

[٤٣٧٨] (. . .) **وحَدَّثني** حَجَّاجُ بْنُ الشَّاعِرِ وَالْقَاسِمُ بْنُ زَكَرِيَّا، قَالَا: حَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُوسَىٰ، عَنْ شَيْبَانَ، عَنِ الْأَعْمَشِ بَالْإِسْنَادَيْنِ جَمِيعًا، نَحْوَ حَدِيثِ سُفْيَانَ، وَلَمْ يَذْكُرْ فِي الْحَدِيثِ قَوْلَهُ: «وَالَّذِي لَا إِلَٰهَ غَيْرُهُ!».

## Chapter 7. The Sin Of The One Who Set The Precedent Of Killing

## (المعجم ٧) - (بَابُ بيان إثم من سنّ القتل) (التحفة ٧)

**[4379] 27 - (1677)** It was narrated that 'Abdullâh said: :The Messenger of Allâh ﷺ said: 'No

[٤٣٧٩] **٢٧**-(١٦٧٧) **حَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ

soul is killed unlawfully, but there is a share of the sin on the first son of Âdam, because he was the first one to set the precedent of killing.'"

نُمَيْرٍ - وَاللَّفْظُ لِابْنِ أَبِي شَيْبَةَ - قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللهِ بْنِ مُرَّةَ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَا تُقْتَلُ نَفْسٌ ظُلْمًا، إِلَّا كَانَ عَلَى ابْنِ آدَمَ الْأَوَّلِ كِفْلٌ مِنْ دَمِهَا، لِأَنَّهُ كَانَ أَوَّلَ مَنْ سَنَّ الْقَتْلَ».

**[4380] (...)** It was narrated from Al-A'mash with this chain (a *Hadîth* similar as no. 4379). In the *Hadîth* of Jarîr and "Eisa bin Yûnus (sub-narrators): "because he killed" and it does not say "the first one."

[٤٣٨٠] (...) **وحَدَّثَنَا** عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ؛ وَحَدَّثَنَا إِسْحَقُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا جَرِيرٌ وَعِيسَى بْنُ يُونُسَ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ، كُلُّهُمْ عَنِ الْأَعْمَشِ بِهَذَا الْإِسْنَادِ، وَفِي حَدِيثِ جَرِيرٍ وَعِيسَى [ابْنِ يُونُسَ]: «لِأَنَّهُ سَنَّ الْقَتْلَ» لَمْ يَذْكُرَا: أَوَّلَ.

## Chapter 8. The Punishment For Bloodshed In The Hereafter, And Bloodshed Will Be The First Thing Concerning Which Judgment Is Passed Among The People On The Day Of Resurrection

## (المعجم ٨) - (بَابُ المجازاة بالدماء في الآخرة، وأنها أول ما يقضى فيه بين الناس يوم القيامة) (التحفة ٨)

**[4381] 28 - (1678)** It was narrated that 'Abdullâh said: "The Messenger of Allâh ﷺ said: 'The first thing concerning which judgment will be passed among the people on the Day of Resurrection will be bloodshed.'"

[٤٣٨١] **٢٨**-(١٦٧٨) **حَدَّثَنَا** عُثْمَانُ ابْنُ أَبِي شَيْبَةَ وَإِسْحَقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ، جَمِيعًا عَنْ وَكِيعٍ، عَنِ الْأَعْمَشِ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ وَوَكِيعٌ عَنِ

الْأَعْمَشِ؛ عَنْ أَبِي وَائِلٍ، عَنْ عَبْدِ اللهِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «أَوَّلُ مَا يُقْضَىٰ بَيْنَ النَّاسِ يَوْمَ الْقِيَامَةِ، فِي الدِّمَاءِ».

**[4382] (...)** A similar report (as no. 4381) was narrated from 'Abdullâh from the Prophet ﷺ.

**[٤٣٨٢] (. . .) وَحَدَّثَنَا** عُبَيْدُ اللهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنِي يَحْيَى بْنُ حَبِيبٍ: حَدَّثَنَا خَالِدٌ: - يَعْنِي ابْنَ الْحَارِثِ -؛ وَحَدَّثَنِي بِشْرُ بْنُ خَالِدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ، كُلُّهُمْ عَنْ شُعْبَةَ، عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ عَبْدِ اللهِ عَنِ النَّبِيِّ ﷺ بِمِثْلِهِ، غَيْرَ أَنَّ بَعْضَهُمْ قَالَ عَنْ شُعْبَةَ: «يُقْضَىٰ»، وَبَعْضُهُمْ قَالَ: «يُحْكَمُ بَيْنَ النَّاسِ».

## Chapter 9. Emphasis On The Sanctity Of Blood, Honor And Wealth

## (المعجم ٩) - (بَابُ تغليظ تحريم الدماء والأعراض والأموال) (التحفة ٩)

**[4383] 29 - (1679)** It was narrated from Abû Bakrah that the Prophet ﷺ said: "Time has returned to its original order as it was on the day when Allâh created the heavens and the earth. The year is twelve months, of which four are sacred: Three consecutive months; Dhul-Qa'dah, Dhul-Hijjah and Muharram - and Rajab, the month of Mudar, which comes

**[٤٣٨٣] ٢٩-(١٦٧٩) وَحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَيَحْيَى بْنُ حَبِيبٍ الْحَارِثِيُّ - وَتَقَارَبَا فِي اللَّفْظِ - قَالَا: حَدَّثَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ عَنْ أَيُّوبَ، عَنِ ابْنِ سِيرِينَ، عَنِ ابْنِ أَبِي بَكْرَةَ، عَنْ أَبِي بَكْرَةَ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «إِنَّ الزَّمَانَ قَدِ اسْتَدَارَ كَهَيْئَتِهِ يَوْمَ خَلَقَ اللهُ

between Jumâda and Sha‘bân." Then he said: "What month is this?" We said: "Allâh and His Messenger know best." He remained silent until we thought that he was going to call it by another name. He said: "Is it not Dhul-Hijjah?" We said: "Yes indeed." He said: "What land is this?" We said: "Allâh and His Messenger know best." He remained silent until we thought that he was going to call it by another name. He said: "Is it not Al-Baldah (the city of Makkah)?" We said: "Yes indeed." He said: "What day is this?" We said: "Allâh and His Messenger know best." He remained silent until we thought that he was going to call it by another name. He said: "Is it not the Day of Sacrifice?" We said: "Yes indeed, O Messenger of Allâh." He said: "Your blood and your wealth" - Muḥammad (a narrator) said: "and I think he said: 'your honor' - "are sacred to you, as sacred as this day of yours, in this land of yours, in this month of yours. You will meet your Lord, and He will ask you about your deeds, so do not turn back misguided after I am gone, striking one another's necks. Let those who are present convey it to those who are absent; perhaps some of those to whom it is conveyed will understand it better than some of those who hear it." Then he said: "Have I not conveyed (the message)?"

السَّمَاوَاتِ وَالْأَرْضَ، السَّنَةُ اثْنَا عَشَرَ شَهْرًا، مِنْهَا أَرْبَعَةٌ حُرُمٌ، ثَلَاثَةٌ مُتَوَالِيَاتٌ: ذُو الْقَعْدَةِ وَذُو الْحِجَّةِ وَالْمُحَرَّمُ، وَرَجَبٌ، شَهْرُ مُضَرَ، الَّذِي بَيْنَ جُمَادَىٰ وَشَعْبَانَ»، ثُمَّ قَالَ: «أَيُّ شَهْرٍ هٰذَا؟» قُلْنَا: اللهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: فَسَكَتَ حَتَّىٰ ظَنَنَّا أَنَّهُ سَيُسَمِّيهِ بِغَيْرِ اسْمِهِ، قَالَ: «أَلَيْسَ ذَا الْحِجَّةِ؟» قُلْنَا: بَلَىٰ، قَالَ: «فَأَيُّ بَلَدٍ هٰذَا؟» قُلْنَا: اللهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: فَسَكَتَ حَتَّىٰ ظَنَنَّا أَنَّهُ سَيُسَمِّيهِ بِغَيْرِ اسْمِهِ، قَالَ: «أَلَيْسَ الْبَلْدَةَ؟» قُلْنَا: بَلَىٰ، قَالَ: «فَأَيُّ يَوْمٍ هٰذَا؟» قُلْنَا: اللهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: فَسَكَتَ حَتَّىٰ ظَنَنَّا أَنَّهُ سَيُسَمِّيهِ بِغَيْرِ اسْمِهِ، قَالَ: «أَلَيْسَ يَوْمَ النَّحْرِ؟» قُلْنَا: بَلَىٰ، يَا رَسُولَ اللهِ! قَالَ: «فَإِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ - قَالَ مُحَمَّدٌ: وَأَحْسِبُهُ قَالَ - وَأَعْرَاضَكُمْ حَرَامٌ عَلَيْكُمْ، كَحُرْمَةِ يَوْمِكُمْ هٰذَا، فِي بَلَدِكُمْ هٰذَا، فِي شَهْرِكُمْ هٰذَا، وَسَتَلْقَوْنَ رَبَّكُمْ فَيَسْأَلُكُمْ عَنْ أَعْمَالِكُمْ، فَلَا تَرْجِعُنَّ بَعْدِي ضُلَّالًا يَضْرِبُ بَعْضُكُمْ رِقَابَ بَعْضٍ، أَلَا لِيُبَلِّغِ الشَّاهِدُ الْغَائِبَ، فَلَعَلَّ بَعْضَ مَنْ يُبَلَّغُهُ يَكُونُ أَوْعَىٰ لَهُ مِنْ بَعْضِ مَنْ سَمِعَهُ»، ثُمَّ قَالَ: «أَلَا هَلْ بَلَّغْتُ؟».

Ibn Ḥabîb said in his report: "And Rajab of Muḍar."

Abî Bakr (a narrator) said: "Do not turn back after me."

قَالَ ابْنُ حَبِيبٍ فِي رِوَايَتِهِ: «وَرَجَبُ مُضَرَ»، وَفِي رِوَايَةِ أَبِي بَكْرٍ: «فَلَا تَرْجِعُوا بَعْدِي».

**[4384] 30 - (...)** It was narrated from 'Abdur-Raḥmân bin Abî Bakrah that his father said: "On that day, he (ﷺ) sat on his camel and someone took hold of its nose-ring, and he said: 'Do you know what day this is?' They said: 'Allâh and His Messenger know best,' until we thought that he was going to call it by another name. He said: 'Is it not the Day of Sacrifice?' We said: 'Yes indeed, O Messenger of Allâh.' He said: 'What month is this?' We said: 'Allâh and His Messenger know best.' He said: 'Is it not Dhul-Ḥijjah?' We said: 'Yes indeed, O Messenger of Allâh.' He said: 'What land is this?' We said: 'Allâh and His Messenger know best,' until we thought that he was going to call it by another name. He said: 'Is it not Al-Baldah (the city of Makka. We said: 'Yes indeed, O Messenger of Allâh.' He said: 'Your blood, your wealth and your honor are sacred to you, as sacred as this day of yours, in this month of yours, in this land of yours. Let those who are present convey it to those who are absent.' Then he turned towards two speckled black and white rams and sacrificed them, and to a flock of

**[٤٣٨٤] ٣٠-(...)** حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْجَهْضَمِيُّ: حَدَّثَنَا يَزِيدُ ابْنُ زُرَيْعٍ: حَدَّثَنَا عَبْدُ اللهِ بْنُ عَوْنٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ قَالَ: لَمَّا كَانَ ذَٰلِكَ الْيَوْمُ، قَعَدَ عَلَىٰ بَعِيرِهِ وَأَخَذَ إِنْسَانٌ بِخِطَامِهِ، فَقَالَ: «أَتَدْرُونَ أَيَّ يَوْمٍ هٰذَا؟» قَالُوا: اللهُ وَرَسُولُهُ أَعْلَمُ، حَتَّىٰ ظَنَنَّا أَنَّهُ سَيُسَمِّيهِ سِوَى اسْمِهِ، فَقَالَ: «أَلَيْسَ بِيَوْمِ النَّحْرِ؟» قُلْنَا: بَلَىٰ، يَا رَسُولَ اللهِ! قَالَ: «فَأَيُّ شَهْرٍ هٰذَا؟» قُلْنَا: اللهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: «أَلَيْسَ بِذِي الْحِجَّةِ؟» قُلْنَا: بَلَىٰ، يَا رَسُولَ اللهِ! قَالَ: «فَأَيُّ بَلَدٍ هٰذَا؟» قُلْنَا: اللهُ وَرَسُولُهُ أَعْلَمُ، قَالَ: حَتَّىٰ ظَنَنَّا أَنَّهُ سَيُسَمِّيهِ سِوَى اسْمِهِ، قَالَ: «أَلَيْسَ بِالْبَلْدَةِ؟» قُلْنَا بَلَىٰ، يَا رَسُولَ اللهِ! قَالَ: «فَإِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ وَأَعْرَاضَكُمْ عَلَيْكُمْ حَرَامٌ، كَحُرْمَةِ يَوْمِكُمْ هَٰذَا، فِي شَهْرِكُمْ هَٰذَا، فِي بَلَدِكُمْ هَٰذَا، فَلْيُبَلِّغِ الشَّاهِدُ الْغَائِبَ».

قَالَ: ثُمَّ انْكَفَأَ إِلَىٰ كَبْشَيْنِ أَمْلَحَيْنِ فَذَبَحَهُمَا، وَإِلَىٰ جُزَيْعَةٍ مِنَ الْغَنَمِ فَقَسَمَهَا بَيْنَنَا.

sheep which he distributed amongst us.

**[4385]** **(...)** 'Abdur-Raḥmân bin Abî Bakrah narrated that his father said: "When that day came, the Prophet ﷺ sat on a camel and a man was holding on to its rope or reins..." and he mentioned a *Ḥadîth* like that of Yazîd bin Zuraî' (no 4384).

**[٤٣٨٥]** ( . . . ) **وَحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا حَمَّادُ بْنُ مَسْعَدَةَ، عَنِ ابْنِ عَوْنٍ، قَالَ: قَالَ مُحَمَّدٌ: قَالَ عَبْدُ الرَّحْمَٰنِ بْنُ أَبِي بَكْرَةَ، عَنْ أَبِيهِ قَالَ: لَمَّا كَانَ ذَاكَ الْيَوْمُ جَلَسَ النَّبِيُّ ﷺ عَلَىٰ بَعِيرٍ، قَالَ: وَرَجُلٌ آخِذٌ بِزِمَامِهِ - أَوْ قَالَ: بِخِطَامِهِ -، فَذَكَرَ نَحْوَ حَدِيثِ يَزِيدَ ابْنِ زُرَيْعٍ.

**[4386] 31 - (...)** It was narrated that Abî Bakrah said: "The Messenger of Allâh ﷺ addressed us on the Day of Sacrifice and said: 'What day is this?'"... they quoted a *Ḥadîth* like that of Ibn 'Awn (no. 4385), except that he did not mention: "Your honor" and he did not mention: "Then he turned towards two speckled black and white rams," etc. And in his *Ḥadîth* he said: "As sacred as this day of yours, in this month of yours, in this land of yours, until the Day you meet your Lord. Have I not conveyed (the message)?" They said: "Yes." He said: "O Allâh, bear witness."

**[٤٣٨٦] ٣١-( . . . ) وَحَدَّثَنِي** مُحَمَّدُ ابْنُ حَاتِمِ بْنِ مَيْمُونٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا قُرَّةُ بْنُ خَالِدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ سِيرِينَ عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ أَبِي بَكْرَةَ، وَعَنْ رَجُلٍ آخَرَ هُوَ فِي نَفْسِي أَفْضَلُ مِنْ عَبْدِ الرَّحْمَٰنِ بْنِ أَبِي بَكْرَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو بْنِ جَبَلَةَ وَأَحْمَدُ ابْنُ خِرَاشٍ: حَدَّثَنَا أَبُو عَامِرٍ عَبْدُ الْمَلِكِ بْنُ عَمْرٍو: حَدَّثَنَا قُرَّةُ بِإِسْنَادِ يَحْيَى بْنِ سَعِيدٍ - وَسَمَّى الرَّجُلَ حُمَيْدَ ابْنَ عَبْدِ الرَّحْمَٰنِ - عَنْ أَبِي بَكْرَةَ قَالَ: خَطَبَنَا رَسُولُ اللهِ ﷺ يَوْمَ النَّحْرِ، فَقَالَ: «أَيُّ يَوْمٍ هٰذَا؟» وَسَاقُوا الْحَدِيثَ بِمِثْلِ حَدِيثِ ابْنِ عَوْنٍ، غَيْرَ أَنَّهُ لَا يَذْكُرُ: «وَأَعْرَاضَكُمْ» وَلَا يَذْكُرُ: ثُمَّ انْكَفَأَ إِلَىٰ

كَبْشَيْنِ وَمَا بَعْدَهُ، وَقَالَ فِي الْحَدِيثِ: «كَحُرْمَةِ يَوْمِكُمْ هٰذَا، فِي شَهْرِكُمْ هٰذَا، فِي بَلَدِكُمْ هٰذَا إِلَىٰ يَوْمِ تَلْقَوْنَ رَبَّكُمْ، أَلَا هَلْ بَلَّغْتُ؟» قَالُوا: نَعَمْ، قَالَ: «اللّٰهُمَّ اشْهَدْ».

## Chapter 10. A Confession To Murder Is Valid And The Heir Of The Victim Is Entitled To *Qiṣâṣ*, But It Is Recommended To Ask Him To Let Him Go

## (المعجم ١٠) - (بَابُ صحة الإقرار بالقتل وتمكين وليّ القتيل من القصاص، واستحباب طلب العفو منه) (التحفة ١٠)

**[4387] 32 - (1680)** It was narrated that 'Alqamah bin Wâ'il narrated that his father told him: "I was sitting with the Prophet ﷺ when a man came leading another on a rope. He said: 'O Messenger of Allâh, this man killed my brother.' The Messenger of Allâh ﷺ said: 'Did you kill him?' He said: 'If he does not admit it, I will establish proof against him.' He said: 'Yes, I killed him.' He said: 'How did you kill him?' He said: 'He and I were striking leaves from a tree, and he insulted me so I got angry and struck him with the axe on the side of his head and killed him.' The Prophet ﷺ said to him: 'Do you have anything with which to pay the *Diyah* for yourself?' He said: 'I have no property except my cloak and my axe.' He said: 'Perhaps your

**[٤٣٨٧] ٣٢-(١٦٨٠)** وَحَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُعَاذٍ الْعَنْبَرِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا أَبُو يُونُسَ، عَنْ سِمَاكِ بْنِ حَرْبٍ عَنْ عَلْقَمَةَ بْنِ وَائِلٍ حَدَّثَهُ أَنَّ أَبَاهُ حَدَّثَهُ قَالَ: إِنِّي لَقَاعِدٌ مَعَ النَّبِيِّ ﷺ إِذْ جَاءَ رَجُلٌ يَقُودُ آخَرَ بِنِسْعَةٍ، فَقَالَ: يَا رَسُولَ اللهِ! هٰذَا قَتَلَ أَخِي، فَقَالَ رَسُولُ اللهِ ﷺ: «أَقَتَلْتَهُ؟» - فَقَالَ: إِنَّهُ لَوْ لَمْ يَعْتَرِفْ أَقَمْتُ عَلَيْهِ الْبَيِّنَةَ - قَالَ: نَعَمْ قَتَلْتُهُ، قَالَ: «كَيْفَ قَتَلْتَهُ؟» قَالَ: كُنْتُ أَنَا وَهُوَ نَخْتَبِطُ مِنْ شَجَرَةٍ، فَسَبَّنِي فَأَغْضَبَنِي، فَضَرَبْتُهُ بِالْفَأْسِ عَلَىٰ قَرْنِهِ فَقَتَلْتُهُ، فَقَالَ لَهُ النَّبِيُّ ﷺ: «هَلْ لَكَ مِنْ شَيْءٍ تُؤَدِّيهِ عَنْ نَفْسِكَ؟» قَالَ: مَا لِي مَالٌ إِلَّا كِسَائِي وَفَأْسِي، قَالَ: «فَتَرَىٰ قَوْمَكَ يَشْتَرُونَكَ؟»

people will pay your ransom?' He said: 'I am too insignificant among my people for that.' He threw the rope to him and said: 'Take your companion away.' The man took him away, and when he turned away, the Messenger of Allâh ﷺ said: 'If he kills him he will be like him.' He came back and said: 'O Messenger of Allâh, I have heard that what you said: "If he kills him he will be like him," but I took him at your command.' The Messenger of Allâh ﷺ said: 'Don't you want him to carry your sin and the sin of your companion?' He said: 'O Prophet of Allâh, yes.' He said: 'If so, then let it be,' and he threw the rope down and let him go."

قَالَ: أَنَا أَهْوَنُ عَلَىٰ قَوْمِي مِنْ ذَاكَ، فَرَمَىٰ إِلَيْهِ بِنِسْعَتِهِ، وَقَالَ: «دُونَكَ صَاحِبَكَ»، فَانْطَلَقَ بِهِ الرَّجُلُ، فَلَمَّا وَلَّىٰ قَالَ رَسُولُ اللهِ ﷺ: «إِنْ قَتَلَهُ فَهُوَ مِثْلُهُ» فَرَجَعَ، فَقَالَ: يَا رَسُولَ اللهِ! [إِنَّهُ] بَلَغَنِي أَنَّكَ قُلْتَ: «إِنْ قَتَلَهُ فَهُوَ مِثْلُهُ» وَأَخَذْتُهُ بِأَمْرِكَ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَمَا تُرِيدُ أَنْ يَبُوءَ بِإِثْمِكَ وَإِثْمِ صَاحِبِكَ؟» قَالَ: يَا نَبِيَّ اللهِ - لَعَلَّهُ قَالَ - بَلَىٰ، قَالَ: «فَإِنَّ ذَاكَ كَذَاكَ»، قَالَ: فَرَمَىٰ بِنِسْعَتِهِ وَخَلَّىٰ سَبِيلَهُ.

**[4388] 33 - (...)** It was narrated from 'Alqamah bin Wâ'il that his father said: "A man who had killed another man was brought to the Messenger of Allâh ﷺ by the heir of the one who had been killed, and (the Messenger of Allâh ﷺ gave the heir the right to retaliate). He took him away with a rope around his neck by which he was leading him. When he left, the Messenger of Allâh ﷺ said: 'The killer and the slain are both in Hell.' A man went to that man and told him what the Messenger of Allâh ﷺ had said, so he let him go."

Ismâ'îl bin Sâlim said: "I mentioned that to Ḥabîb bin Abî Thâbit and he said: 'Ibn Ashwa'

**[٤٣٨٨] ٣٣-(...) وحَدَّثني مُحَمَّدُ** ابْنُ حَاتِمٍ: حَدَّثَنَا سَعِيدُ بْنُ سُلَيْمَانَ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا إِسْمَاعِيلُ بْنُ سَالِمٍ، عَنْ عَلْقَمَةَ بْنِ وَائِلٍ، عَنْ أَبِيهِ قَالَ: أُتِيَ رَسُولُ اللهِ ﷺ بِرَجُلٍ قَتَلَ رَجُلًا، فَأَقَادَ وَلِيَّ الْمَقْتُولِ مِنْهُ، فَانْطَلَقَ بِهِ وَفِي عُنُقِهِ نِسْعَةٌ يَجُرُّهَا، فَلَمَّا أَدْبَرَ قَالَ رَسُولُ اللهِ ﷺ: «الْقَاتِلُ وَالْمَقْتُولُ فِي النَّارِ» فَأَتَىٰ رَجُلٌ الرَّجُلَ فَقَالَ لَهُ مَقَالَةَ رَسُولِ اللهِ ﷺ. فَخَلَّىٰ عَنْهُ.

قَالَ إِسْمَاعِيلُ بْنُ سَالِمٍ: فَذَكَرْتُ ذٰلِكَ لِحَبِيبِ بْنِ أَبِي ثَابِتٍ فَقَالَ: حَدَّثَنِي ابْنُ

told me that the Prophet ﷺ asked him to let him go and he refused.'"

أَشْوَعَ: أَنَّ النَّبِيَّ ﷺ إِنَّمَا سَأَلَهُ أَنْ يَعْفُوَ عَنْهُ فَأَبَىٰ.

## Chapter 11. The *Diyah* For A Fetus; And The *Diyah* For Accidental Killing And The Ambiguous Killing Must Be Paid By The *'Âqilah*[1] Of The Killer

(المعجم ١١) - (بَابُ دية الجنين، ووجوب الدية في قتل الخطأ وشبه العمد على عاقلة الجاني) (التحفة ١١)

**[4389] 34 - (1681)** It was narrated from Abû Hurairah that there were two women from Hudhail, one of whom threw a stone at the other and caused her to miscarry. The Prophet ﷺ ordered that a slave, male or female, be given as *Diyah*.

**[٤٣٨٩] ٣٤-(١٦٨١)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ امْرَأَتَيْنِ مِنْ هُذَيْلٍ، رَمَتْ إِحْدَاهُمَا الْأُخْرَىٰ، فَطَرَحَتْ جَنِينَهَا، فَقَضَىٰ فِيهِ النَّبِيُّ ﷺ، بِغُرَّةٍ: عَبْدٍ أَوْ أَمَةٍ.

**[4390] 35 - (...)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ ruled that a slave, male or female, be given as *Diyah* for the fetus of a woman from Banû Liḥyân who was miscarried and born dead. Then the woman who was ordered to give the slave had died, and the Messenger of Allâh ﷺ ruled that her estate be given to her sons and husband, and that the *Diyah* be paid by her *'Aṣabah*.[2]

**[٤٣٩٠] ٣٥-(. . .)** وحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: قَضَىٰ رَسُولُ اللهِ ﷺ فِي جَنِينِ امْرَأَةٍ مِنْ بَنِي لَحْيَانَ سَقَطَ مَيِّتًا، بِغُرَّةٍ: عَبْدٍ أَوْ أَمَةٍ، ثُمَّ إِنَّ الْمَرْأَةَ الَّتِي قَضَىٰ عَلَيْهَا بِالْغُرَّةِ تُوُفِّيَتْ، فَقَضَىٰ رَسُولُ اللهِ ﷺ بِأَنَّ: مِيرَاثَهَا لِبَنِيهَا وَزَوْجِهَا، وَأَنَّ: الْعَقْلَ عَلَىٰ عَصَبَتِهَا.

**[4391] 36 - (...)** Abû Hurairah said: "Two women from Hudhail fought and one of them threw a

**[٤٣٩١] ٣٦-(. . .)** وحَدَّثَنِي أَبُو الطَّاهِرِ: حَدَّثَنَا ابْنُ وَهْبٍ؛ وَحَدَّثَنَا حَرْمَلَةُ

[1] *'Âqilah*: The relatives who must pay the *'Aql* or *Diyah* (blood money), meaning, the male relatives on the father's side.

[2] *'Aṣabah*: The male relatives on the father's side.

rock at the other and killed her and the child in her womb. They referred the matter to the Messenger of Allâh ﷺ, and the Messenger of Allâh ﷺ ruled that the *Diyah* for her fetus was a slave, male or female, and he ruled that the *Diyah* for the woman be paid by her (the killer's) *'Âqilah*, and that her children and those who were with her would inherit her estate. Ḥamal bin An-Nâbighah Al-Hudhalî said: 'O Messenger of Allâh, how can a penalty be paid for one who did not drink or eat, or speak or make any sound (he said so rhyming the words in a poetic way)? Such a one should be overlooked.' The Messenger of Allâh ﷺ said: 'This man is one of the brothers of the soothsayers,' because of the rhymed speech with which he spoke."

ابْنُ يَحْيَى التُّجِيبِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَٰنِ أَنَّ أَبَا هُرَيْرَةَ قَالَ: اقْتَتَلَتِ امْرَأَتَانِ مِنْ هُذَيْلٍ، فَرَمَتْ إِحْدَاهُمَا الأُخْرَىٰ بِحَجَرٍ فَقَتَلَتْهَا وَمَا فِي بَطْنِهَا، فَاخْتَصَمُوا إِلَىٰ رَسُولِ اللهِ ﷺ، فَقَضَى رَسُولُ اللهِ ﷺ أَنَّ: دِيَةَ جَنِينِهَا غُرَّةٌ: عَبْدٌ أَوْ وَلِيدَةٌ، وَقَضَىٰ بِدِيَةِ الْمَرْأَةِ عَلَىٰ عَاقِلَتِهَا، وَوَرَّثَهَا وَلَدَهَا وَمَنْ مَعَهُمْ، فَقَالَ حَمَلُ بْنُ النَّابِغَةِ الْهُذَلِيُّ: يَا رَسُولَ اللهِ! كَيْفَ أَغْرَمُ مَنْ لَا شَرِبَ وَلَا أَكَلَ، وَلَا نَطَقَ وَلَا اسْتَهَلَّ؟ فَمِثْلُ ذَلِكَ يُطَلُّ، فَقَالَ رَسُولُ اللهِ ﷺ: «إِنَّمَا هٰذَا مِنْ إِخْوَانِ الْكُهَّانِ» مِنْ أَجْلِ سَجْعِهِ الَّذِي سَجَعَ.

**[4392] (...)** It was narrated that Abû Hurairah said: "Two women fought..." and he quoted the *Ḥadîth* (as no. 4390), but he did not mention: "Her children and those who were with her would inherit her estate." And he said: "Someone said: 'Why should we pay the *Diyah*?'" But he did not mention Ḥamal bin Mâlik by name.

**[٤٣٩٢] (...) وحَدَّثَنَا** عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: اقْتَتَلَتِ امْرَأَتَانِ، وَسَاقَ الْحَدِيثَ بِقِصَّتِهِ، وَلَمْ يَذْكُرْ: وَوَرَّثَهَا وَلَدَهَا وَمَنْ مَعَهُمْ، وَقَالَ: فَقَالَ قَائِلٌ: كَيْفَ نَعْقِلُ؟ وَلَمْ يُسَمِّ حَمَلَ بْنَ مَالِكٍ.

**[4393] 37 - (1682)** It was narrated that Al-Mughîrah bin Shu'bah said: "A woman struck

**[٤٣٩٣] ٣٧-(١٦٨٢) وحَدَّثَنَا** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا

pregnant co-wife with a tent pole, killing her. One of the women was from the tribe of Liḥyân. The Messenger of Allâh ﷺ ruled that the *Diyah* for the one who had been killed was to be paid by the *'Aṣabah* of the killer, and a slave, male or female, should be given (as *Diyah*) for the fetus in her womb. A man from the *'Aṣabah* of the killer said: 'Should we pay the *Diyah* for one who did not eat or drink or make any sound? Such a one should be overlooked.' The Messenger of Allâh ﷺ said: 'Is this rhymed speech like that of the Bedouin?'"

He said: "And he (ﷺ) imposed the *Diyah* on them."

**[4394] 38 - (...)** It was narrated that Al-Mughîrah bin Shu'bah said: "A woman killed her co-wife with a tent pole. Her case was brought to the Messenger of Allâh ﷺ and he ruled that her *'Âqilah* should pay the *Diyah*. She was pregnant, so he also ruled that a slave be given as *Diyah* for the fetus. One of her *'Aṣabah* said: 'Should we pay *Diyah* for one who did not eat or drink or cry or make any sound? Such a one should be overlooked.' He said: 'Is this rhymed speech like that of the Bedouin?'"

جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عُبَيْدِ بْنِ نُضَيْلَةَ الْخُزَاعِيِّ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ قَالَ: ضَرَبَتِ امْرَأَةٌ ضَرَّتَهَا بِعَمُودِ فُسْطَاطٍ وَهِيَ حُبْلَىٰ فَقَتَلَتْهَا، قَالَ: وَإِحْدَاهُمَا لَحْيَانِيَّةٌ، قَالَ: فَجَعَلَ رَسُولُ اللهِ ﷺ دِيَةَ الْمَقْتُولَةِ عَلَىٰ عَصَبَةِ الْقَاتِلَةِ، وَغُرَّةً لِمَا فِي بَطْنِهَا، فَقَالَ رَجُلٌ مِنْ عَصَبَةِ الْقَاتِلَةِ: أَنَغْرَمُ دِيَةَ مَنْ لَا أَكَلَ وَلَا شَرِبَ وَلَا اسْتَهَلَّ؟ فَمِثْلُ ذَٰلِكَ يُطَلُّ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَسَجْعٌ كَسَجْعِ الْأَعْرَابِ؟».

قَالَ: وَجَعَلَ عَلَيْهِمُ الدِّيَةَ.

**[٤٣٩٤] ٣٨-(...) وحَدَّثَنِي مُحَمَّدُ** ابْنُ رَافِعٍ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا مُفَضَّلٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ عُبَيْدِ بْنِ نُضَيْلَةَ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ قَالَ: أَنَّ امْرَأَةً قَتَلَتْ ضَرَّتَهَا بِعَمُودِ فُسْطَاطٍ، فَأُتِيَ فِيهِ رَسُولُ اللهِ ﷺ، فَقَضَىٰ عَلَىٰ عَاقِلَتِهَا بِالدِّيَةِ، وَكَانَتْ حَامِلًا، فَقَضَىٰ فِي الْجَنِينِ بِغُرَّةٍ، فَقَالَ بَعْضُ عَصَبَتِهَا: أَنَدِي مَنْ لَا طَعِمَ وَلَا شَرِبَ وَلَا صَاحَ فَاسْتَهَلَّ؟ وَمِثْلُ ذَٰلِكَ يُطَلُّ؟ [قَالَ]: فَقَالَ: «سَجْعٌ كَسَجْعِ الْأَعْرَابِ؟».

[٤٣٩٥] (...) وَحَدَّثَنِي مُحَمَّدُ بْنُ حَاتِمٍ وَمُحَمَّدُ بْنُ بَشَّارٍ، قَالَا: حَدَّثَنَا عَبْدُ الرَّحْمَٰنِ بْنُ مَهْدِيٍّ، عَنْ سُفْيَانَ، عَنْ مَنْصُورٍ بِهَٰذَا الْإِسْنَادِ، مِثْلَ مَعْنَىٰ حَدِيثِ جَرِيرٍ ومُفَضَّلٍ.

**[4395] (...)** A *Hadîth* like that of Jarîr and Mufaddal (no. 4393, 4394) was narrated from Mansûr with this chain.

[٤٣٩٦] (...) وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالُوا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ بِإِسْنَادِهِمُ الْحَدِيثَ بِقِصَّتِهِ، غَيْرَ أَنَّ فِيهِ: فَأَسْقَطَتْ، فَرُفِعَ ذَٰلِكَ إِلَىٰ النَّبِيِّ ﷺ فَقَضَىٰ فِيهِ بِغُرَّةٍ، وَجَعَلَهُ عَلَىٰ أَوْلِيَاءِ الْمَرْأَةِ، وَلَمْ يَذْكُرْ فِي الْحَدِيثِ: دِيَةَ الْمَرْأَةِ.

**[4396] (...)** This *Hadîth* was narrated from Mansûr with their chain, except that it says: "She miscarried, and the matter was referred to the Prophet ﷺ who ruled that a slave be given (as *Diyah*). And he imposed that on the relatives of the woman; but in this *Hadîth* it does not mention the *Diyah* for the woman.

[٤٣٩٧] **٣٩-(١٦٨٣)** وحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ - وَاللَّفْظُ لأَبِي بَكْرٍ - قَالَ إِسْحَٰقُ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - وَكِيعٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنِ الْمِسْوَرِ بْنِ مَخْرَمَةَ قَالَ: اسْتَشَارَ عُمَرُ ابْنُ الْخَطَّابِ النَّاسَ فِي مِلَاصِ الْمَرْأَةِ، فَقَالَ الْمُغِيرَةُ بْنُ شُعْبَةَ: شَهِدْتُ النَّبِيَّ ﷺ قَضَىٰ فِيهِ بِغُرَّةٍ: عَبْدٍ أَوْ أَمَةٍ، قَالَ: فَقَالَ عُمَرُ: ائْتِنِي بِمَنْ يَشْهَدُ مَعَكَ. قَالَ: فَشَهِدَ لَهُ مُحَمَّدُ بْنُ مَسْلَمَةَ.

**[4397] 39 - (1683)** It was narrated that Al-Miswar bin Makhramah said: "'Umar bin Al-Khattâb consulted the people about *Diyah* for a woman's miscarriage. Al-Mughîrah bin Shu'bah said: 'I saw the Prophet ﷺ ruling that a slave, male or female, should be given.' 'Umar said: 'Bring me someone who can testify with you.' He (the narrator) said: 'Muhammad bin Maslamah testified with him.'"

# 29. The Book Of *Ḥudûd* (Legal Punishments)

# ١٤ - (المعجم ٢٩) - كتاب الحدود (التحفة ...)

## Chapter 1. The *Ḥadd* For Stealing And The Minimum Threshold

## (المعجم ١) - (بَابُ حدّ السرقة ونصابها) (التحفة ١٢)

**[4398] 1 - (1684)** It was narrated that 'Âishah said: "The Messenger of Allâh ﷺ would cut off the thief's hand for one-quarter of a Dînâr or more."

**[٤٣٩٨] ١-(١٦٨٤) حَدَّثَنَا** يَحْيَى ابْنُ يَحْيَىٰ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ وابْنُ أَبِي عُمَرَ - وَاللَّفْظُ لِيَحْيَىٰ - قَالَ ابْنُ أَبِي عُمَرَ: حَدَّثَنَا، وَقَالَ الْآخَرَانِ: أَخْبَرَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللهِ ﷺ يَقْطَعُ السَّارِقَ فِي رُبْعِ دِينَارٍ فَصَاعِدًا.

**[4399] (...)** A similar report (as no. 4398) was narrated from Az-Zuhrî with this chain.

**[٤٣٩٩] (...) وحَدَّثَنَا** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ قَالَا: أَخبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَزِيدُ بْنُ هَٰرُونَ: أَخْبَرَنَا سُلَيْمَانُ بْنُ كَثِيرٍ وَإِبْرَاهِيمُ بْنُ سَعْدٍ، كُلُّهُمْ عَنِ الزُّهْرِيِّ. بِمِثْلِهِ، فِي هَٰذَا الْإِسْنَادِ.

**[4400] 2 - (...)** It was narrated from 'Âishah that the Messenger of Allâh ﷺ said: "The hand of a thief should not be cut off, except for one-quarter of a Dînâr or more."

**[٤٤٠٠] ٢-(...) حَدَّثَنِي** أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ؛ وَحَدَّثَنَا الْوَلِيدُ ابْنُ شُجَاعٍ - وَاللَّفْظُ لِلْوَلِيدِ وَحَرْمَلَةَ - قَالُوا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ

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[1] *Ḥudûd*: Plural; *Ḥadd*: Singular

عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ وَعَمْرَةَ، عَنْ عَائِشَةَ، عَنْ رَسُولِ اللهِ ﷺ قَالَ: «لَا تُقْطَعُ يَدُ السَّارِقِ إِلَّا فِي رُبْعِ دِينَارٍ فَصَاعِدًا».

**[4401] 3 - (...)** 'Âishah narrated that she heard the Messenger of Allâh ﷺ say: "The hand should not be cut off except for one-quarter of a Dînâr or more."

[٤٤٠١] **٣-(...) وحَدَّثَني** أَبُو الطَّاهِرِ وَهَـٰرُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ وَأَحْمَدُ بْنُ عِيسَىٰ - وَاللَّفْظُ لِهَـٰرُونَ وَأَحْمَدَ، قَالَ أَبُو الطَّاهِرِ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا - ابْنُ وَهْبٍ: أَخْبَرَنِي مَخْرَمَةُ عَنْ أَبِيهِ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ عَمْرَةَ أَنَّهَا سَمِعَتْ عَائِشَةَ تُحَدِّثُ، أَنَّهَا سَمِعَتْ رَسُولَ اللهِ ﷺ يَقُولُ: «لَا تُقْطَعُ الْيَدُ إِلَّا فِي رُبْعِ دِينَارٍ فَمَا فَوْقَهُ».

**[4402] 4 - (...)** It was narrated from 'Âishah that she heard the Prophet ﷺ say: "The hand of the thief should not be cut off except for one-quarter of a Dînâr or more."

[٤٤٠٢] **٤-(...) حَدَّثَني** بِشْرُ بْنُ الْحَكَمِ الْعَبْدِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللهِ بْنِ الْهَادِ، عن أَبِي بَكْرِ بْنِ مُحَمَّدٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ أَنَّهَا سَمِعَتِ النَّبِيَّ ﷺ يَقُولُ: «لَا تُقْطَعُ يَدُ سَارِقٍ إِلَّا فِي رُبْعِ دِينَارٍ فَصَاعِدًا».

**[4403] (...)** A similar report (as no. 4402) was narrated from Yazîd bin 'Abdullâh bin Al-Hâdî with this chain.

[٤٤٠٣] **(...) وحَدَّثَنَا** إِسْحَـٰقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ الْمُثَنَّىٰ وإِسْحَـٰقُ ابْنُ مَنْصُورٍ، جَمِيعًا عَنْ أَبِي عَامِرٍ الْعَقَدِيِّ: حَدَّثَنَا عَبْدُ اللهِ بْنُ جَعْفَرٍ مِنْ وَلَدِ الْمِسْوَرِ ابْنِ مَخْرَمَةَ، عَنْ يَزِيدَ بْنِ عَبْدِ اللهِ بْنِ الْهَادِي بِهَـٰذَا الْإِسْنَادِ، مِثْلَهُ.

[٤٤٠٤] ٥-(١٦٨٥) وحَدَّثَنَا مُحَمَّدُ ابْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ: حَدَّثَنَا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَٰنِ الرُّؤَاسِيُّ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: لَمْ تُقْطَعْ يَدُ سَارِقٍ فِي عَهْدِ رَسُولِ اللهِ ﷺ: فِي أَقَلَّ مِنْ ثَمَنِ الْمِجَنِّ، حَجَفَةٍ أَوْ تُرْسٍ، وَكِلَاهُمَا ذُو ثَمَنٍ.

**[4404] 5 - (1685)** It was narrated that 'Âishah said: "At the time of the Messenger of Allâh ﷺ the hand of a thief was not cut off for less than the price of a shield made of leather or iron (steel?), both of which were valuable."

[٤٤٠٥] (...) وحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدَةُ بْنُ سُلَيْمَانَ وَحُمَيْدُ بْنُ عَبْدِ الرَّحْمَٰنِ؛ وَحَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا أَبُو أُسَامَةَ كُلُّهُمْ عَنْ هِشَامٍ بِهَٰذَا الْإِسْنَادِ، نَحْوَ حَدِيثِ ابْنِ نُمَيْرٍ عَنْ حُمَيْدِ [ابْنِ عَبْدِ الرَّحْمَٰنِ] الرُّؤَاسِيِّ، وَفِي حَدِيثِ عَبْدِ الرَّحِيمِ وَأَبِي أُسَامَةَ: وَهُوَ يَوْمَئِذٍ ذُو ثَمَنٍ.

**[4405] (...)** A *Hadîth* like that of Ibn Numair from Humaid bin 'Abdur-Rahmân Ar-Ru'âsî (no. 4404) was narrated from Hishâm with this chain. In the *Hadîth* of 'Abdur-Rahîm and Abû Usâmah it says: "At that time it was valuable."

[٤٤٠٦] ٦-(١٦٨٦) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللهِ ﷺ قَطَعَ سَارِقًا فِي مِجَنٍّ قِيمَتُهُ ثَلَاثَةُ دَرَاهِمَ.

**[4406] 6 - (1686)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ cut off the hand of a thief for a shield, the value of which was three Dirham.

[٤٤٠٧] (...) وَحَدَّثَنَا قُتَيْبَةُ [بْنُ سَعِيدٍ] وَابْنُ رُمْحٍ، عَنِ اللَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ وَابْنُ الْمُثَنَّىٰ

**[4407] (...)** A *Hadîth* like that of Yahyâ bin Mâlik (no. 4406) was narrated from Nâfi' from Ibn 'Umar, from the Prophet ﷺ, except that some of them

قَالَا: حَدَّثَنَا يَحْيَىٰ وَهُو الْقَطَّانُ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ، كُلُّهُمْ عنْ عُبَيْدِ اللهِ؛ وَحَدَّثَنِي زُهَيْرُ [بْنُ حَرْبٍ]: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عُلَيَّةَ؛ وَحَدَّثَنَا أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ؛ وَحَدَّثَنِي مُحمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا سُفْيَانُ عَنْ أَيُّوبَ السَّخْتِيَانِيِّ وَأَيُّوبَ بْنِ مُوسَىٰ وَإِسْمَاعِيلَ ابْنِ أُمَيَّةَ؛ وَحَدَّثَنِي عَبْدُ اللهِ بْنُ عَبْدِ الرَّحْمَٰنِ الدَّارِمِيُّ: أَخْبَرَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا سُفْيَانُ عَنْ أَيُّوبَ وَإِسْمَاعِيلَ بْنِ أُمَيَّة، وَعُبَيْدِ اللهِ وَمُوسَى بْنِ عُقْبَةَ؛ وَحَدَّثَنَا [مُحَمَّدُ] بْنُ رَافِعٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي إِسْمَاعِيلُ بْنُ أُمَيَّةَ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ حَنْظَلَةَ ابْنِ أَبِي سُفْيَانَ الْجُمَحِيِّ، وَعَبدِ اللهِ بْنِ عُمَرَ، وَمَالِكِ بْنِ أَنَسٍ وَأُسَامَةَ بْنِ زَيْدٍ اللَّيْثِيِّ، كُلُّهُمْ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ يَحْيَىٰ عَنْ مَالِكٍ، غيْرَ أَنَّ بَعْضَهُمْ قَالَ: قِيمَتُهُ، وَبَعْضُهُمْ قَالَ: ثَمَنٌ ثَلَاثَةِ دَرَاهِمَ.

said: 'Its value,' and some of them said: "Its price was three Dirham."

[٤٤٠٨] ٧-(١٦٨٧) **حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَأَبُو كُرَيْبٍ قَالَا: حَدَّثَنَا أَبُو

**[4408] 7 - (1687)** It was narrated that Abû Hurairah said: "The Messenger of Allâh ﷺ said:

'May Allâh curse the thief, for he steals an egg and his hand is cut off, or he steals a rope and his hand is cut off.'"

مُعاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «لَعَنَ اللهُ السَّارِقَ، يَسْرِقُ الْبَيْضَةَ فَتُقْطَعُ يَدُهُ، وَيَسْرِقُ الْحَبْلَ فَتُقْطَعُ يَدُهُ».

**[4409] (...)** A similar report (as no. 4408) was narrated from Al-A'mash with this chain, except that he said: "If he steals a rope, if he steals an egg."

**[٤٤٠٩] (. . .) وَحَدَّثَنَا** عَمْرٌو النَّاقِدُ وَإِسْحَٰقُ ابْنُ إِبْرَاهِيمَ وَعَلِيُّ بْنُ خَشْرَمٍ، كُلُّهُمْ عَنْ عِيسَى بْنِ يُونُسَ، عَنِ الْأَعْمَشِ بِهَٰذَا الْإِسْنَادِ مِثْلَهُ، غَيْرَ أَنَّهُ يَقُولُ: «إِنْ سَرَقَ حَبْلًا، وَإِنْ سَرَقَ بَيْضَةً».

## Chapter 2. Cutting off the hand of a thief from the nobility and others; the prohibition Of interceding with regard to *Ḥudûd* punishments

## (المعجم ٢) - (بَابُ قطع السارق الشريف وغيره، والنهي عن الشفاعة في الحدود) (التحفة ١٣)

**[4410] 8 - (1688)** It was narrated from 'Âishah that Quraish were concerned about the case of the Makhzûmî woman who had stolen. They said: "Who will speak to the Messenger of Allâh ﷺ concerning her?" Then they said: "Who would dare to do that but Usâmah, the beloved of the Messenger of Allâh ﷺ?" So Usâmah spoke to him, and the Messenger of Allâh ﷺ said: "Are you interceding about one of the *Ḥadd* punishments of Allâh?" Then he stood up and delivered a speech in which he said: "O people, those who came before you were doomed because if a nobleman among them stole, they let him off, but if a lowly

**[٤٤١٠] ٨-(١٦٨٨) حَدَّثَنَا** قُتَيْبَةُ [بْنُ سَعِيدٍ]: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ قُرَيْشًا أَهَمَّهُمْ شَأْنُ الْمَرْأَةِ الْمَخْزُومِيَّةِ الَّتِي سَرَقَتْ، فَقَالُوا: مَنْ يُكَلِّمُ فِيهَا رَسُولَ اللهِ ﷺ؟ فَقَالُوا: وَمَنْ يَجْتَرِىءُ عَلَيْهِ إِلَّا أُسَامَةُ، حِبُّ رَسُولِ اللهِ ﷺ؟ فَكَلَّمَهُ أُسَامَةُ، فَقَالَ رَسُولُ اللهِ ﷺ: «أَتَشْفَعُ فِي حَدٍّ مِنْ حُدُودِ اللهِ؟»، ثُمَّ قَامَ فَاخْتَطَبَ فَقَالَ: «أَيُّهَا النَّاسُ! إِنَّمَا أَهْلَكَ الَّذِينَ قَبْلَكُمْ، أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ

تَرَكُوهُ، وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ، وَايْمُ اللهِ! لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا».

وَفِي حَدِيثِ ابْنِ رُمحٍ: «إِنَّمَا هَلَكَ الَّذِينَ مِنْ قَبْلِكُمْ».

person stole, they carried out the punishment on him. By Allâh, if Fâṭimah the daughter of Muhammad were to steal, I would cut off her hand."

[٤٤١١] **٩**-(...) **وحَدَّثني** أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ - وَاللَّفْظُ لِحَرْمَلَةَ - قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ بْنُ يَزِيدَ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ: أَنَّ قُرَيْشًا أَهَمَّهُمْ شَأْنُ الْمَرْأَةِ الَّتِي سَرَقَتْ، فِي عَهْدِ رَسُولِ اللهِ ﷺ، فِي غَزْوَةِ الْفَتْحِ، فَقَالُوا: مَنْ يُكَلِّمُ فِيهَا رَسُولَ اللهِ ﷺ؟ فَقَالُوا: وَمَنْ يَجْتَرِىءُ عَلَيْهِ إِلَّا أُسَامَةُ بْنُ زَيْدٍ، حِبُّ رَسُولِ اللهِ ﷺ؟ فَأُتِيَ بِهَا رَسُولُ اللهِ ﷺ، فَكَلَّمَ فِيهَا أُسَامَةُ بْنُ زَيْدٍ، فَتَلَوَّنَ وَجْهُ رَسُولِ اللهِ ﷺ، فَقَالَ: «أَتَشْفَعُ فِي حَدٍّ مِنْ حُدُودِ اللهِ؟» فَقَالَ [لَهُ] أُسَامَةُ: اسْتَغْفِرْ لِي يَا رَسُولَ اللهِ! فَلَمَّا كَانَ الْعَشِيُّ، قَامَ رَسُولُ اللهِ ﷺ فَاخْتَطَبَ، فَأَثْنَىٰ عَلَىٰ اللهِ بِمَا هُوَ أَهْلُهُ، ثُمَّ قَالَ: «أَمَّا بَعْدُ، فَإِنَّمَا أَهْلَكَ الَّذِينَ مِنْ قَبْلِكُمْ، أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ،

**[4411] 9 - (...)** It was narrated from 'Âishah, the wife of the Prophet ﷺ, that Quraish were concerned about the case of the woman who had stolen, at the time of the Messenger of Allâh ﷺ, during the conquest of Makkah. They said: "Who will speak to the Messenger of Allâh ﷺ concerning her?" Then they said: "No one would dare to do that but Usâmah bin Zaid, the beloved of the Messenger of Allâh ﷺ." She was brought to the Messenger of Allâh ﷺ, and Usâmah bin Zaid spoke concerning her. The color of the face of the Messenger of Allâh ﷺ changed, and he said: "Are you interceding concerning one of the *Hadd* punishments of Allâh?" Usâmah said to him: Pray for forgiveness for me, O Messenger of Allâh! When evening came, the Messenger of Allâh ﷺ stood up and delivered a speech. He praised Allâh as He deserves to be praised, then he said: "Those who came before you were doomed because, if a nobleman among them stole, they

would let him off, but if a lowly person stole, they would carry out the *Hadd* punishment on him. By the One in Whose Hand is my soul, if Fâṭimah the daughter of Muḥammad were to steal, I would cut off her hand." Then he ordered that the hand of that woman who had stolen be cut off.

Yûnus said: Ibn Shihâb said: 'Urwah said: 'Âishah said: "She repented properly after that, and got married, and after that she used to come and speak to me, and I would convey what she said to the Messenger of Allâh ﷺ."

تَرَكُوهُ، وَإِذَا سَرَقَ فِيهِم الضَّعِيفُ، أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِنِّي، وَالَّذِي نَفْسِي بِيَدِهِ! لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا» ثُمَّ أَمَرَ بِتِلْكَ الْمَرْأَةِ الَّتِي سَرَقَتْ فَقُطِعَتْ يدُهَا.

قَالَ يُونُسُ: قَالَ ابْنُ شِهَابٍ: قَالَ عُرْوَةُ: قَالَتْ عَائِشَةُ: فَحَسُنَتْ تَوْبَتُهَا بَعْدُ، وَتَزَوَّجَتْ، وَكَانَتْ تَأْتِي بَعْدَ ذَلِكَ، فَأَرْفَعُ حَاجَتَهَا إِلَىٰ رَسُولِ اللهِ ﷺ.

**[4412] 10 - (...)** It was narrated that 'Âishah said: "A Makhzûmî woman used to borrow things and then deny it. The Prophet ﷺ ordered that her hand be cut off, and her family came to Usâmah bin Zaid and spoke to him, and he spoke to the Messenger of Allâh ﷺ about her..." then he (the sub-narrator) mentioned a *Hadîth* like that of Al-Laith and Yûnus (no. 4411).

**[٤٤١٢] ١٠-(...) وحَدَّثَنَا** عَبْدُ ابْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَتِ امْرَأَةٌ مَخْزُومِيَّةٌ تَسْتَعِيرُ الْمَتَاعَ وَتَجْحَدُهُ، فَأَمَرَ النَّبِيُّ ﷺ بِقَطْعِ يَدِهَا، فَأَتَىٰ أَهْلُهَا أُسَامَةَ [بْنَ زَيْدٍ] فَكَلَّمُوهُ، فَكَلَّمَ رَسُولَ اللهِ ﷺ فِيهَا، ثُمَّ ذَكَرَ نَحْوَ حَدِيثِ اللَّيْثِ وَيُونُسَ.

**[4413] 11 - (1689)** It was narrated from Jûbair that a woman from Banû Makhzûm stole, and she was brought to the Prophet ﷺ. She sought refuge with Umm Salamah, the wife of the Prophet ﷺ, but the Prophet ﷺ said: "If Fâṭimah were to steal I would cut off her hand." And her hand was cut off.

**[٤٤١٣] ١١-(١٦٨٩) وحَدَّثَنِي** سَلَمَةُ بْنُ شَبِيبٍ: حَدَّثَنَا الْحَسَنُ بْنُ أَعْيَنَ: حَدَّثَنَا مَعْقِلٌ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ؛ أَنَّ امْرَأَةً مِنْ بَنِي مَخْزُومٍ سَرَقَتْ، فَأُتِيَ بِهَا النَّبِيُّ ﷺ، فَعَاذَتْ بِأُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ ﷺ، فَقَالَ النَّبِيُّ ﷺ: «لَوْ كَانَتْ فَاطِمَةُ لَقَطَعْتُ يَدَهَا» فَقُطِعَتْ.

## Chapter 3. The *Ḥadd* punishment for *Zinâ* (fornication, adultery)

(المعجم ٣) - (بَابُ حدّ الزنى)

(التحفة ١٤)

**[4414] 12 - (1690)** It was narrated that 'Ubâdah bin Aṣ-Ṣâmit said: "Learn from me, learn from me, learn from me (the *Ḥadd* punishement for *Zinâ*). Allâh has ordained a way for them. For an unmarried person with an unmarried person, one hundred lashes and exile for one year. For a married person with a married person, one hundred lashes and stoning."

**[٤٤١٤] ١٢-(١٦٩٠) وحَدَّثنا** يَحْيَى بْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا هُشَيْمٌ عَنْ مَنْصُورٍ، عَنِ الْحَسَنِ، عَنْ حِطَّانَ بْنِ عَبْدِ اللهِ الرَّقَاشِيِّ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «خُذُوا عَنِّي، خُذُوا عَنِّي، خُذُوا عَنِّي، فَقَدْ جَعَلَ اللهُ لَهُنَّ سَبِيلًا، الْبِكْرُ بِالْبِكْرِ جَلْدُ مِائَةٍ وَنَفْيُ سَنَةٍ، وَالثَّيِّبُ بِالثَّيِّبِ، جَلْدُ مِائَةٍ وَالرَّجْمُ».

**[4415] (...)** Manṣûr narrated a similar report (as no. 4414) with this chain.

**[٤٤١٥] (. . .) وحَدَّثنا** عَمْرٌو النَّاقِدُ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا مَنْصُورٌ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ.

**[4416] 13 - (...)** It was narrated that 'Ubâdah bin Aṣ-Ṣâmit said: "When the Revelation came upon him, the Prophet ﷺ would feel some distress because of that, and his face would change color. It came to him one day, and he felt that distress, then when it was over, he said: 'Learn from me (the *Ḥadd* punishement for *Zinâ*). Allâh has ordained a way for them, for a married person with a married person and for an unmarried person with an unmarried person. For a married person, one hundred lashes then

**[٤٤١٦] ١٣-(. . .) حَدَّثنا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ، جميعًا عَنْ عَبْدِ الْأَعْلَىٰ، قَالَ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الْأَعْلَىٰ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ حِطَّانَ بْنِ عَبْدِ اللهِ [الرَّقَاشِيِّ]، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا أُنْزِلَ عَلَيْهِ الْوَحْيُ كُرِبَ لِذَلِكَ وَتَرَبَّدَ لَهُ وَجْهُهُ، قَالَ: فَأُنْزِلَ عَلَيْهِ ذَاتَ يَوْمٍ، فَلُقِيَ كَذَلِكَ، فَلَمَّا سُرِّيَ عَنْهُ قَالَ: «خُذُوا عَنِّي، قَدْ جَعَلَ اللهُ لَهُنَّ

stoning, and for an unmarried person, one hundred lashes then exile for one year.'"

سَبِيلًا، الثَّيِّبُ بِالثَّيِّبِ وَالْبِكْرُ بِالْبِكْرِ، الثَّيِّبُ جَلْدُ مِائَةٍ، ثُمَّ رَجْمًا بِالْحِجَارَةِ، وَالْبِكْرُ جَلْدُ مِائَةٍ ثُمَّ نَفْيُ سَنَةٍ».

**[4417] 14 - (...)** It was narrated from Qatâdah with this chain (a *Hadîth* similar to no. 4416), except that in their (the sub-narrators) *Hadîth* it says: "An unmarried person should be whipped then exiled, and a married person should be whipped then stoned" and they did not mention (exile for) one year or one hundred (lashes).

**[٤٤١٧] ١٤-(...) وحَدَّثَنَا** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ قَالَا: حَدَّثَنَا مُحَمَّدُ ابْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي، كِلَاهُمَا عَنْ قَتَادَةَ بِهٰذَا الْإِسْنَادِ، غَيْرَ أَنَّ فِي حَدِيثِهِمَا: «الْبِكْرُ يُجْلَدُ وَيُنْفَىٰ، وَالثَّيِّبُ يُجْلَدُ وَيُرْجَمُ» وَلَا يَذْكُرَانِ: سَنَةً وَلَا مِائَةً.

## Chapter 4. Stoning of a married person for *Zinâ*

## (المعجم ٤) - (بَابُ رجم الثيب في الزنى) (التحفة ١٥)

**[4418] 15 - (1691)** It was narrated that 'Abdullâh bin 'Abbâs said: "'Umar bin Al-Khattâb said, when he was sitting on the *Minbar* of the Messenger of Allâh ﷺ: Allâh sent Muhammad ﷺ with the truth, and He revealed the Book to him. One of the things that Allâh revealed to him was the Verse of stoning. We recited it, memorized it and understood it, The Messenger of Allâh ﷺ stoned (adulterers) and we stoned them after him. But I am afraid that with the passage of time, people will say, we do not find (the Verse of) stoning in the Book of Allâh, so they will go astray and forsake an

**[٤٤١٨] ١٥-(١٦٩١) حَدَّثَنِي** أَبُو الطَّاهِرِ وَحَرْمَلَةُ بْنُ يَحْيَىٰ قَالَا: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عُبَيْدُ اللهِ ابْنُ عَبْدِ اللهِ بْنِ عُتْبَةَ أَنَّهُ سَمِعَ عَبْدَ اللهِ بْنَ عَبَّاسٍ يَقُولُ: قَالَ عُمَرُ بْنُ الْخَطَّابِ، وَهُوَ جَالِسٌ عَلَىٰ مِنْبَرِ رَسُولِ اللهِ ﷺ: إِنَّ اللهَ [قَدْ] بَعَثَ مُحَمَّدًا ﷺ بِالْحَقِّ، وَأَنْزَلَ عَلَيْهِ الْكِتَابَ، فَكَانَ مِمَّا أَنْزَلَ اللهُ عَلَيْهِ: آيَةُ الرَّجْمِ، قَرَأْنَاهَا وَوَعَيْنَاهَا وَعَقَلْنَاهَا، فَرَجَمَ رَسُولُ اللهِ ﷺ وَرَجَمْنَا بَعْدَهُ،

obligation that Allâh revealed. Stoning (is mentioned) in the Book of Allâh as a duty which much be carried out on those who commit *Zinâ* if they are married, men and women alike, if proof is established or if there is pregnancy or a confession."

فَأَخْشَىٰ إِنْ طَالَ بِالنَّاسِ زَمَانٌ، أَنْ يَقُولَ قَائِلٌ: مَا نَجِدُ الرَّجْمَ فِي كِتَابِ اللهِ تَعَالَىٰ، فَيَضِلُّوا بِتَرْكِ فَرِيضَةٍ أَنْزَلَهَا اللهُ، وَإِنَّ الرَّجْمَ فِي كِتَابِ اللهِ حَقٌّ عَلَىٰ مَنْ زَنَىٰ إِذَا أَحْصَنَ، مِنَ الرِّجَالِ وَالنِّسَاءِ، إِذَا قَامَتِ الْبَيِّنَةُ، أَوْ كَانَ الْحَبَلُ أَوِ الاعْتِرَافُ.

**[4419] (...)** It was narrated from Az-Zuhrî (a *Ḥadîth* similar to no. 4418) with this chain.

[٤٤١٩] (...) **وحَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ وَابْنُ أَبِي عُمَرَ، قَالُوا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ.

**Chapter 5. One who confesses to *Zinâ***

(المعجم ٥) - **(بَابُ من اعترف على نفسه بالزنى)** (التحفة ١٦)

**[4420] 16 - (...)** It was narrated that Abû Hurairah said: "A Muslim man came to the Messenger of Allâh ﷺ when he was in the *Masjid* and called out to him, saying: O Messenger of Allâh, I have committed *Zinâ*. He turned away from him, so he came around to face him and said to him: O Messenger of Allâh, I have committed *Zinâ*. He turned away from him, until he had repeated that four times. When he had testified against himself four times, the Messenger of Allâh ﷺ called him and said: 'Are you insane?' He said: No. He said: 'Are you married?' He said: Yes.

[٤٤٢٠] ١٦-(...) **وحَدَّثَنِي** عَبْدُ الْمَلِكِ بْنُ شُعَيْبِ بْنِ اللَّيْثِ بْنِ سَعْدٍ: حَدَّثَنِي أَبِي عَنْ جَدِّي قَالَ: حَدَّثَنِي عُقَيْلٌ عَنِ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَٰنِ بْنِ عَوْفٍ وَسَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: أَتَىٰ رَجُلٌ مِنَ الْمُسْلِمِينَ رَسُولَ اللهِ ﷺ وَهُوَ فِي الْمَسْجِدِ، فَنَادَاهُ، فَقَالَ: يَا رَسُولَ اللهِ! إِنِّي زَنَيْتُ، فَأَعْرَضَ عَنْهُ، فَتَنَحَّىٰ تِلْقَاءَ وَجْهِهِ، فَقَالَ لَهُ: يَا رَسُولَ اللهِ! إِنِّي زَنَيْتُ، فَأَعْرَضَ عَنْهُ حَتَّىٰ ثَنَىٰ ذَلِكَ عَلَيْهِ

The Messenger of Allâh ﷺ said: 'Take him and stone him.'"

Ibn Shihâb said: "Someone told me that he heard Jâbir bin 'Abdullâh say: I was one of those who stoned him. We stoned him in the prayer place, and when the stones hurt him he ran away. We caught up with him in the Harrah and we stoned him."

أَرْبَعَ مَرَّاتٍ، فَلَمَّا شَهِدَ عَلَىٰ نَفْسِهِ أَرْبَعَ شَهَادَاتٍ، دَعَاهُ رَسُولُ اللهِ ﷺ، فَقَالَ: «أَبِكَ جُنُونٌ؟» قَالَ: لَا، قَالَ: «فَهَلْ أَحْصَنْتَ؟» قَالَ: نَعَمْ، فَقَالَ رَسُولُ اللهِ ﷺ: «اذْهَبُوا بِهِ فَارْجُمُوهُ».

قَالَ ابْنُ شِهَابٍ: فَأَخْبَرَنِي مَنْ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: فَكُنْتُ فِيمَنْ رَجَمَهُ، فَرَجَمْنَاهُ بِالْمُصَلَّىٰ فَلَمَّا أَذْلَقَتْهُ الْحِجَارَةُ هَرَبَ، فَأَدْرَكْنَاهُ بِالْحَرَّةِ فَرَجَمْنَاهُ.

**[4421] (...)** A similar report (as no. 4420) was narrated from Ibn Shihâb.

**[٤٤٢١] (...) قَالَ مُسْلِمٌ:** وَرَوَاهُ اللَّيْثُ أَيْضًا، عَنْ عَبْدِ الرَّحْمَٰنِ ابْنِ خَالِدِ ابْنِ مُسَافِرٍ، عَنِ ابْنِ شِهَابٍ بِهَٰذَا الْإِسْنَادِ. مِثْلَهُ.

**[4422] (...)** Ibn Shihâb said: "Someone told me that he heard Jâbir bin 'Abdullâh say..." a report like that mentioned by 'Uqail (no. 4420).

**[٤٤٢٢] (...) وَحَدَّثَنِيهِ** عَبْدُ اللهِ بْنُ عَبْدِ الرَّحْمَٰنِ الدَّارِمِيُّ: حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ بِهَٰذَا الإِسْنَادِ أَيْضًا، وَفِي حَدِيثِهِمَا جَمِيعًا: قَالَ ابْنُ شِهَابٍ: أَخْبَرَنِي مَنْ سَمِعَ جَابِرَ ابْنَ عَبْدِ اللهِ، كَمَا ذَكَرَ عُقَيْلٌ.

**[4423] (...)** It was narrated from Jâbir bin 'Abdullâh from the Prophet ﷺ - a report like that of 'Uqail from Az-Zuhrî, from Sa'eed, from Abû Salamah, from Abû Hurairah (no. 4420).

**[٤٤٢٣] (...) وحَدَّثَنِي** أَبُو الطَّاهِرِ وَحَرْمَلَةُ ابْنُ يَحْيَىٰ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ

وَابْنُ جُرَيْجٍ، كُلُّهُمْ عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللهِ عَنِ النَّبِيِّ ﷺ، نَحْوَ رِوَايَةِ عُقَيْلٍ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ.

**[4424] 17 - (1692)** It was narrated that Jâbir bin Samurah said: "I saw Mâ'iz bin Mâlik when he was brought to the Prophet ﷺ, a short, well built man who was not wearing a *Ridâ'* (upper garment). He testified against himself four times, saying that he had committed *Zinâ*, and the Messenger of Allâh ﷺ said: 'Perhaps you (kissed her or embraced her)?' He said: 'No, by Allâh, this ignoble one has committed *Zinâ*.' So he stoned him, then he gave a speech in which he said: 'Every time we set out on a campaign for the sake of Allâh, one of them stayed behind and bleated like a male goat, and gave a small amount of milk or food (in return for sexual favors). By Allâh, if I get hold of one of them I will certainly make an example of him.'"

**[٤٤٢٤] ١٧-(١٦٩٢)** حَدَّثَنِي أَبُو كَامِلٍ فُضَيْلُ بْنُ حُسَيْنٍ الْجَحْدَرِيُّ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ جَابِرِ بْنِ سَمُرَةَ قَالَ: رَأَيْتُ مَاعِزَ بْنَ مَالِكٍ حِينَ جِيءَ بِهِ إِلَى النَّبِيِّ ﷺ، رَجُلٌ قَصِيرٌ أَعْضَلُ، لَيْسَ عَلَيْهِ رِدَاءٌ، فَشَهِدَ عَلَىٰ نَفْسِهِ أَرْبَعَ مَرَّاتٍ أَنَّهُ زَنَىٰ، فَقَالَ رَسُولُ اللهِ ﷺ: «فَلَعَلَّكَ؟» قَالَ: لَا، وَاللهِ! إِنَّهُ قَدْ زَنَى الْأَخِرُ، قَالَ: فَرَجَمَهُ، ثُمَّ خَطَبَ فَقَالَ: «أَلَا كُلَّمَا نَفَرْنَا [غَازِينَ] فِي سَبِيلِ اللهِ، خَلَفَ أَحَدُهُمْ لَهُ نَبِيبٌ كَنَبِيبِ التَّيْسِ، يَمْنَحُ أَحَدُهُمُ الْكُثْبَةَ، أَمَا وَاللهِ إِنْ يُمَكِّنِّي مِنْ أَحَدِهِمْ لَأُنَكِّلَنَّهُ عَنْهُ».

**[4425] 18 - (...)** Jâbir bin Samurah said: "A short man, muscular, with unkempt hair who was wearing an *Izâr* (lower garment) and who had committed *Zinâ* was brought to the Messenger of Allâh ﷺ. He turned him away twice, then he ordered that he be stoned. The Messenger of Allâh

**[٤٤٢٥] ١٨-(...)** وَحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَابْنُ بَشَّارٍ - وَاللَّفْظُ لِابْنِ الْمُثَنَّىٰ - قَالَا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكِ بْنِ حَرْبٍ قَالَ: سَمِعْتُ جَابِرَ بْنَ سَمُرَةَ قَالَ: أُتِيَ رَسُولُ اللهِ ﷺ بِرَجُلٍ قَصِيرٍ أَشْعَثَ، ذِي

ﷺ said: 'Every time we went out on a campaign for the sake of Allâh, one of you stayed behind and bleated like a male goat, and gave a small amount of milk or food (in return for sexual favors). If Allâh enables me to get hold of one of them, I will make an example of him."'

He (the narrator) said: I narrated it to Sa'eed bin Jubair and he said: He turned him away four times.

عَضَلَاتٍ، عَلَيْهِ إِزَارٌ، وَقَدْ زَنَىٰ، فَرَدَّهُ مَرَّتَيْنِ، ثُمَّ أَمَرَ بِهِ فَرُجِمَ، فَقَالَ رَسُولُ اللهِ ﷺ: «كُلَّمَا نَفَرْنَا غَازِينَ فِي سَبِيلِ اللهِ، تَخَلَّفَ أَحَدُكُمْ يَنِبُّ نَبِيبَ التَّيْسِ، يَمْنَحُ إِحْدَاهُنَّ الْكُثْبَةَ، إِنَّ اللهَ لَا يُمْكِنِّي مِنْ أَحَدٍ مِنْهُمْ إِلاَّ جَعَلْتُهُ نَكَالًا - أَوْ نَكَّلْتُهُ -».

قَالَ: فَحَدَّثْتُهُ سَعِيدَ بْنَ جُبَيْرٍ فَقَالَ: إِنَّهُ رَدَّهُ أَرْبَعَ مَرَّاتٍ.

**[4426] (...)** A *Ḥadîth* like that of Ibn Ja'far (no. 4425) was narrated from Jâbir bin Samurah from the Prophet ﷺ. Shabâbah agreed with his saying: he turned him away twice. "In the *Ḥadîth* of Abû 'Âmir it says: "He (ﷺ) turned him away two or three times."

**[٤٤٢٦] (. . .) وَحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا شَبَابَةُ؛ وَحَدَّثَنَا إِسْحَٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا أَبُو عَامِرٍ الْعَقَدِيُّ، كِلَاهُمَا عَنْ شُعْبَةَ، عَنْ سِمَاكٍ، عَنْ جَابِرِ بْنِ سَمُرَةَ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ ابْنِ جَعْفَرٍ، وَوَافَقَهُ شَبَابَةُ عَلَىٰ قَوْلِهِ: فَرَدَّهُ مَرَّتَيْنِ، وَفِي حَدِيثِ أَبِي عَامِرٍ: فَرَدَّهُ مَرَّتَيْنِ أَوْ ثَلَاثًا.

**[4427] 19 - (1693)** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said to Mâ'iz bin Mâlik: "Is it true what I have heard about you?" He said: "What have you heard about me?" He said: "I heard that you committed *Zinâ* with the slave woman of the family of so-and-so." He said: "Yes." He (the narrator) said: "He testified to that four times, then he (ﷺ) ordered that he be stoned."

**[٤٤٢٧] ١٩ -(١٦٩٣) وَحَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ وَأَبُو كَامِلٍ الْجَحْدَرِيُّ - وَاللَّفْظُ لِقُتَيْبَةَ - قَالَا: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ سِمَاكٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ؛ أَنَّ النَّبِيَّ ﷺ قَالَ لِمَاعِزِ بْنِ مَالِكٍ: «أَحَقٌّ مَا بَلَغَنِي عَنْكَ؟» قَالَ: وَمَا بَلَغَكَ عَنِّي؟ قَالَ: «بَلَغَنِي أَنَّكَ وَقَعْتَ بِجَارِيَةِ آلِ فُلَانٍ» قَالَ: نَعَمْ، قَالَ: فَشَهِدَ أَرْبَعَ شَهَادَاتٍ، ثُمَّ أَمَرَ بِهِ فَرُجِمَ.

**[4428] 20 - (1694)** It was narrated from Abû Sa'eed that a man from Aslam who was called Mâ'iz bin Mâlik came to the Messenger of Allâh ﷺ and said: "I have committed an immoral deed, carry out (the punishment) on me." The Prophet ﷺ turned him away (from him) several times, then he asked his people about him, and they said: "We do not know of anything wrong with him, except that he has done something, and we think that he feels there is no way out except having the *Hadd* punishment carried out on him." He went back to the Messenger of Allâh ﷺ, and he commanded us to stone him. We took him to Baqî' Al-Gharqad, and we did not tie him up or dig a pit for him. We threw bones, clods of earth and pebbles at him, and he ran away, so we ran after him, until he reached the stony ground of the Harrah. He stopped there for us, and we threw the heavy stones of the Harrah at him until he stopped moving. Then the Messenger of Allâh ﷺ stood up and delivered a speech in the evening and said: "Every time we went out on a campaign for the sake of Allâh, a man would stay behind amongst our families and bleat like a male goat. It is my duty, if a man who has done that is brought to me, to make an example of him." And he (ﷺ) did not pray for forgiveness for him or curse him.

**[٤٤٢٨] ٢٠-(١٦٩٤)** وَحَدَّثَنِي مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنِي عَبْدُ الْأَعْلَىٰ: حَدَّثَنَا دَاوُدُ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ: أَنَّ رَجُلًا مِنْ أَسْلَمَ يُقَالُ لَهُ: مَاعِزُ بْنُ مَالِكٍ، أَتَىٰ رَسُولَ اللهِ ﷺ، فَقَالَ: إِنِّي أَصَبْتُ فَاحِشَةً، فَأَقِمْهُ عَلَيَّ، فَرَدَّهُ النَّبِيُّ ﷺ مِرَارًا، قَالَ: ثُمَّ سَأَلَ قَوْمَهُ؟ فَقَالُوا: مَا نَعْلَمُ بِهِ بَأْسًا، إِلَّا أَنَّهُ أَصَابَ شَيْئًا، نَرَىٰ أَنَّهُ لَا يُخْرِجُهُ مِنْهُ إِلَّا أَنْ يُقَامَ فِيهِ الْحَدُّ، قَالَ: فَرَجَعَ إِلَىٰ رَسُولِ اللهِ ﷺ، فَأَمَرَنَا أَنْ نَرْجُمَهُ، قَالَ: فَانْطَلَقْنَا بِهِ إِلَىٰ بَقِيعِ الْغَرْقَدِ، قَالَ: فَمَا أَوْثَقْنَاهُ وَلَا حَفَرْنَا لَهُ، قَالَ: فَرَمَيْنَاهُ بِالعِظَامِ وَالْمَدَرِ والخَزَفِ، قَالَ: فَاشْتَدَّ وَاشْتَدَدْنَا خَلْفَهُ، حَتَّىٰ أَتَىٰ عُرْضَ الْحَرَّةِ، فَانْتَصَبَ لَنَا، فَرَمَيْنَاهُ بِجَلَامِيدِ الْحَرَّةِ يَعْنِي الْحِجَارَةَ، حَتَّىٰ سَكَتَ، قَالَ: ثُمَّ قَامَ رَسُولُ اللهِ ﷺ خَطِيبًا مِنَ الْعَشِيِّ قَالَ: «أَوَ كُلَّمَا انْطَلَقْنَا غُزَاةً فِي سَبِيلِ اللهِ تَخَلَّفَ رَجُلٌ فِي عِيَالِنَا، لَهُ نَبِيبٌ كَنَبِيبِ التَّيْسِ، عَلَيَّ أَنْ لَا أُوتَىٰ بِرَجُلٍ فَعَلَ ذَٰلِكَ إِلَّا نَكَّلْتُ بِهِ»، قَالَ: فَمَا اسْتَغْفَرَ لَهُ وَلَا سَبَّهُ.

**[4429] 21 - (...)** Dâwûd narrated a similar report (as no. 4428) with this chain, and he said in the *Hadîth*: "The Prophet ﷺ stood up in the afternoon and praised and glorified Allâh, then he said: 'What is the matter with people who, when we go out on a campaign, one of them stays behind and bleats like a male goat?' and he did not say: 'Who stays behind amongst our families.'"

**[٤٤٢٩] ٢١-(...) وَحَدَّثَنِي مُحَمَّدُ** ابْنُ حَاتِمٍ: حَدَّثَنَا بَهْزٌ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا دَاوُدُ بِهَٰذَا الْإِسْنَادِ، مِثْلَ مَعْنَاهُ، وَقَالَ فِي الْحَدِيثِ: فَقَامَ النَّبِيُّ ﷺ مِنَ الْعَشِيِّ فَحَمِدَ اللهَ وَأَثْنَىٰ عَلَيْهِ، ثُمَّ قَالَ: «أَمَّا بَعْدُ: فَمَا بَالُ أَقْوَامٍ، إِذَا غَزَوْنَا، يَتَخَلَّفُ أَحَدُهُمْ عَنَّا، لَهُ نَبِيبٌ كَنَبِيبِ التَّيْسِ»، وَلَمْ يَقُلْ «فِي عِيَالِنَا».

**[4430] (...)** Part of this *Hadîth* was narrated from Dâwûd (as *Hadîth* no. 4429) with this chain, except that in the *Hadîth* of Sufyân (a sub-narrator) it says: "He confessed to *Zinâ* three times."

**[٤٤٣٠] (...) وحَدَّثَنَا سُرَيْجُ بْنُ** يُونُسَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّاءَ بْنِ أَبِي زَائِدَةَ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُعَاوِيَةُ بْنُ هِشَامٍ: حَدَّثَنَا سُفْيَانُ، كِلَاهُمَا، عَنْ دَاوُدَ بِهَٰذَا الْإِسْنَادِ، بَعْضَ هَٰذَا الْحَدِيثِ، غَيْرَ أَنَّ فِي حَدِيثِ سُفْيَانَ: فَاعْتَرَفَ بِالزِّنَىٰ ثَلَاثَ مَرَّاتٍ.

**[4431] 22 - (1695)** It was narrated from Sulaimân bin Buraidah that his father said: "Mâ'iz bin Mâlik came to the Prophet ﷺ and said: 'O Messenger of Allâh, purify me! He said: 'Woe to you, go back and seek forgiveness from Allâh and repent to Him.' He came back shortly after that and said: 'O Messenger of Allâh, purify me!' He said: 'Woe to you, go back and seek forgiveness from

**[٤٤٣١] ٢٢-(١٦٩٥) حَدَّثَنَا مُحَمَّدُ** ابْنُ الْعَلَاءِ الْهَمْدَانِيُّ: حَدَّثَنَا يَحْيَى بْنُ يَعْلَىٰ وَهُوَ ابْنُ الْحَارِثِ الْمُحَارِبِيُّ، عَنْ غَيْلَانَ وَهُوَ ابْنُ جَامِعٍ الْمُحَارِبِيُّ، عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: جَاءَ مَاعِزُ بْنُ مَالِكٍ إِلَىٰ النَّبِيِّ ﷺ، فَقَالَ: يَا رَسُولَ اللهِ! طَهِّرْنِي، فَقَالَ: «وَيْحَكَ ارْجِعْ فَاسْتَغْفِرِ اللهَ وَتُبْ

Allâh and repent to Him.' He came back shortly after that and said: 'O Messenger of Allâh, purify me!' The Prophet ﷺ said something similar, then when it was the fourth time the Messenger of Allâh ﷺ said to him: 'From what should I purify you?' He said: 'From *Zinâ*.' The Messenger of Allâh ﷺ asked, 'Is he insane?' and he was told that he was not insane. He said: Has he drunk wine? A man got up and smelt his breath, and he did not find any smell of wine. The Messenger of Allâh ﷺ said: 'Did you commit *Zinâ*?' He said: 'Yes.' So he ordered that he be stoned. The people were of two minds about him. Some said: 'He is doomed, he has been encompassed by his sin.' Others said: 'There is no repentance better than that of Mâ'iz; he came to the Prophet ﷺ and put his hand in his, and said: Kill me with stones.' This (controversy) carried on for two or three days, then the Messenger of Allâh ﷺ came when they were sitting. He greeted them with Salâm then sat down, and said: 'Pray for forgiveness for Mâ'iz bin Mâlik.' They said: 'May Allâh forgive Mâ'iz bin Mâlik.' The Messenger of Allâh ﷺ said: 'He has repented in such a way that if it were to be divided among a nation it would be sufficient for them.'"

إِلَيْهِ» قَالَ: فَرَجَعَ غَيْرَ بَعِيدٍ، ثُمَّ جَاءَ فَقَالَ: يَا رَسُولَ اللهِ! طَهِّرْنِي، فَقَالَ النَّبِيُّ ﷺ: «وَيْحَكَ ارْجِعْ فَاسْتَغْفِرِ اللهَ وَتُبْ إِلَيْهِ» قَالَ: فَرَجَعَ غَيْرَ بَعِيدٍ، ثُمَّ جَاءَ فَقَالَ: يَا رَسُولَ اللهِ! طَهِّرْنِي، فَقَالَ النَّبِيُّ ﷺ مِثْلَ ذَلِكَ، حَتَّى إِذَا كَانَتِ الرَّابِعَةُ فَقَالَ لَهُ رَسُولُ اللهِ ﷺ: «فِيمَ أُطَهِّرُكَ؟» فَقَالَ: مِنَ الزِّنَى، فَسَأَلَ رَسُولُ اللهِ ﷺ: «أَبِهِ جُنُونٌ؟» فَأُخْبِرَ أَنَّهُ لَيْسَ بِمَجْنُونٍ، فَقَالَ: «أَشَرِبَ خَمْرًا؟» فَقَامَ رَجُلٌ فَاسْتَنْكَهَهُ فَلَمْ يَجِدْ مِنْهُ رِيحَ خَمْرٍ، قَالَ: فَقَالَ رَسُولُ اللهِ ﷺ: «أَزَنَيْتَ؟» فَقَالَ: نَعَمْ، فَأَمَرَ بِهِ فَرُجِمَ، فَكَانَ النَّاسُ فِيهِ فِرْقَتَيْنِ: قَائِلٌ يَقُولُ: لَقَدْ هَلَكَ، لَقَدْ أَحَاطَتْ بِهِ خَطِيئَتُهُ، وَقَائِلٌ يَقُولُ: مَا تَوْبَةٌ أَفْضَلَ مِنْ تَوْبَةِ مَاعِزٍ: أَنَّهُ جَاءَ إِلَى النَّبِيِّ ﷺ فَوَضَعَ يَدَهُ فِي يَدِهِ، ثُمَّ قَالَ: اقْتُلْنِي بِالْحِجَارَةِ، قَالَ: فَلَبِثُوا بِذَلِكَ يَوْمَيْنِ أَوْ ثَلَاثَةً، ثُمَّ جَاءَ رَسُولُ اللهِ ﷺ، وَهُمْ جُلُوسٌ فَسَلَّمَ ثُمَّ جَلَسَ، فَقَالَ: «اسْتَغْفِرُوا لِمَاعِزِ بْنِ مَالِكٍ»، قَالَ: فَقَالُوا: غَفَرَ اللهُ لِمَاعِزِ بْنِ مَالِكٍ، قَالَ: فَقَالَ رَسُولُ اللهِ ﷺ: «لَقَدْ تَابَ تَوْبَةً لَوْ قُسِمَتْ بَيْنَ أُمَّةٍ لَوَسِعَتْهُمْ».

"Then a woman from Ghâmid from Al-Azd came to him and said: 'O Messenger of Allâh, purify me.' He said: 'Woe to you! Go back and seek forgiveness from Allâh and repent to Him.' She said: I think that you want to turn me away as you turned Mâ'iz away. He said: 'Why is that?' She said: "I am pregnant as a result of *Zinâ*." He said: 'You have done that?' She said: 'Yes.' He said to her: 'Not until you give birth to that which is in your womb.' A man among the *Anṣâr* sponsored her until she gave birth, then he came to the Prophet ﷺ and said: 'The Ghâmidi woman has given birth.' He said: 'We will not stone her and leave her young child with no one to breast-feed him.' A man among the *Anṣâr* said: 'I will take responsibility for his breast-feeding, O Prophet of Allâh.' Then he had her stoned."

قَالَ: ثُمَّ جَاءَتْهُ امْرَأَةٌ مِنْ غَامِدٍ مِنَ الْأَزْدِ، فَقَالَتْ: يَا رَسُولَ اللهِ! طَهِّرْنِي، فَقَالَ: «وَيْحَكِ ارْجِعِي فَاسْتَغْفِرِي اللهَ وَتُوبِي إِلَيْهِ»، فَقَالَتْ: أَرَاكَ تُرِيدُ أَنْ تُرَدِّدَنِي كَمَا رَدَّدْتَ مَاعِزَ بْنَ مَالِكٍ، قَالَ: «وَمَا ذَاكِ؟» قَالَتْ: إِنَّهَا حُبْلَىٰ مِنَ الزِّنَىٰ، فَقَالَ: «آنْتِ؟» قَالَتْ: نَعَمْ، فَقَالَ لَهَا: «حَتَّىٰ تَضَعِي مَا فِي بَطْنِكِ»، قَالَ: فَكَفَلَهَا رَجُلٌ مِنَ الْأَنْصَارِ حَتَّىٰ وَضَعَتْ، قَالَ: فَأَتَىٰ النَّبِيَّ ﷺ فَقَالَ: قَدْ وَضَعَتِ الْغَامِدِيَّةُ، فَقَالَ: «إِذًا لَا نَرْجُمُهَا وَنَدَعُ وَلَدَهَا صَغِيرًا لَيْسَ لَهُ مَنْ يُرْضِعُهُ» فَقَامَ رَجُلٌ مِنَ الْأَنْصَارِ فَقَالَ: إِلَيَّ رَضَاعُهُ، يَا نَبِيَّ اللهِ! قَالَ: فَرَجَمَهَا.

**[4432] 23 - (...)** 'Abdullâh bin Buraidah narrated from his father that Mâ'iz bin Mâlik Al-Aslamî came to the Messenger of Allâh ﷺ and said: "O Messenger of Allâh, I have wronged myself and committed *Zinâ*, and I want you to purify me." But he turned him away. The next day he came to him and said: "O Messenger of Allâh, I have committed *Zinâ*;" but he turned him away a second time, and the Messenger of Allâh ﷺ sent word to his

**[٤٤٣٢] ٢٣-(...)** حَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللهِ ابْنُ نُمَيْرٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ - وَتَقَارَبَا فِي لَفْظِ الْحَدِيثِ -: حَدَّثَنَا أَبِي: حَدَّثَنَا بُشَيْرُ بْنُ الْمُهَاجِرِ: حَدَّثَنَا عَبْدُ اللهِ بْنُ بُرَيْدَةَ عَنْ أَبِيهِ: أَنَّ مَاعِزَ بْنَ مَالِكٍ الْأَسْلَمِيَّ أَتَىٰ رَسُولَ اللهِ ﷺ فَقَالَ: يَا رَسُولَ اللهِ! إِنِّي قَدْ ظَلَمْتُ نَفْسِي وَزَنَيْتُ وَإِنِّي أُرِيدُ أَنْ تُطَهِّرَنِي، فَرَدَّهُ،

people saying: "Do you know whether there is anything wrong with his mind?" They said: "All we know is that he is of sound mind, and he is one of our righteous men as far as we can tell." He came to him (ﷺ) a third time, and he sent word to them again asking them, and they told him: "There is nothing wrong with him or his mind." When he came a fourth time, he had a pit dug for him then he ordered that he be stoned.

Then the Ghâmidî woman came and said: "O Messenger of Allâh, I have committed *Zinâ*, purify me;" but he turned her away. The next day she said: "O Messenger of Allâh, why are you turning me away? Perhaps you are turning me away as you turned Mâ'iz away. But by Allâh, I am pregnant." He said: "Then no (not now), go away until you give birth." When she gave birth, she brought the child to him wrapped in a cloth, and said: "Here he is, I have given birth." He said: "Go away and breast-feed him until he is weaned." When she had weaned him, she brought the boy to him, with a piece of bread in his hand and said: "Here, O Prophet of Allâh, I have weaned him, and he is eating food." He handed the boy over to one of the Muslim men, then he ordered that a pit be dug for her, up to her chest, and he

فَلَمَّا كَانَ مِنَ الْغَدِ أَتَاهُ فَقَالَ: يَا رَسُولَ اللهِ! إِنِّي قَدْ زَنَيْتُ، فَرَدَّهُ الثَّانِيَةَ، فَأَرْسَلَ رَسُولُ اللهِ ﷺ إِلَىٰ قَوْمِهِ فَقَالَ: «أَتَعْلَمُونَ بِعَقْلِهِ بَأْسًا تُنْكِرُونَ مِنْهُ شَيْئًا؟» فَقَالُوا: مَا نَعْلَمُهُ إِلَّا وَفِيَّ الْعَقْلِ، مِنْ صَالِحِينَا، فِيما نُرَىٰ، فَأَتَاهُ الثَّالِثَةَ، فَأَرْسَلَ إِلَيْهِمْ أَيضًا فَسَأَلَ عَنْهُ فَأَخْبَرُوهُ: أَنَّهُ لَا بَأْسَ بِهِ وَلَا بِعَقْلِهِ، فَلَمَّا كَانَ الرَّابِعَةَ حَفَرَ لَهُ حُفْرَةً ثُمَّ أَمَرَ بِهِ فَرُجِمَ.

قَالَ: فَجَاءَتِ الْغَامِدِيَّةُ فَقَالَتْ: يَا رَسُولَ اللهِ! إِنِّي قَدْ زَنَيْتُ فَطَهِّرْنِي، وَإِنَّهُ رَدَّهَا، فَلَمَّا كَانَ الْغَدُ قَالَتْ: يَا رَسُولَ اللهِ! لِمَ تَرُدُّنِي؟ لَعَلَّكَ أَنْ تَرُدَّنِي كَمَا رَدَدْتَ مَاعِزًا، فَوَاللهِ! إِنِّي لَحُبْلَىٰ، قَالَ: «إِمَّا لَا، فَاذْهَبِي حَتَّىٰ تَلِدِي» قَالَ فَلَمَّا وَلَدَتْ أَتَتْهُ بِالصَّبِيِّ فِي خِرْقَةٍ، قَالَتْ: هَٰذَا قَدْ وَلَدْتُهُ، قَالَ: «اذْهَبِي فَأَرْضِعِيهِ حَتَّىٰ تَفْطِمِيهِ»، فَلَمَّا فَطَمَتْهُ أَتَتْهُ بِالصَّبِيِّ فِي يَدِهِ كِسْرَةُ خُبْزٍ فَقَالَتْ: هَٰذَا، يَا نَبِيَّ اللهِ! قَدْ فَطَمْتُهُ، وَقَدْ أَكَلَ الطَّعَامَ، فَدَفَعَ الصَّبِيَّ إِلَىٰ رَجُلٍ مِنَ الْمُسْلِمِينَ، ثُمَّ أَمَرَ بِهَا فَحُفِرَ لَهَا إِلَىٰ صَدْرِهَا، وَأَمَرَ النَّاسَ فَرَجَمُوهَا، فَيُقْبِلُ خَالِدُ بْنُ الْوَلِيدِ بِحَجَرٍ، فَرَمَىٰ رَأْسَهَا، فَتَنَضَّحَ الدَّمُ عَلَىٰ وَجْهِ

ordered the people to stone her. Khâlid bin Al-Walîd came forward with a stone, which he flung at her head. The blood spurted onto Khâlid's face and he cursed her. The Prophet of Allâh ﷺ heard him cursing her and he said: "Calm down, O Khâlid! By the One in Whose Hand is my soul, she has repented in such a manner that if the *Maks*[1] - collector repented like that, he would be forgiven."

Then he ordered that the funeral prayer be offered for her, and she was buried.

خَالِدٍ، فَسَبَّهَا، فَسَمِعَ نَبِيُّ اللهِ ﷺ سَبَّهُ إِيَّاهَا، فَقَالَ: «مَهْلًا يَا خَالِدُ! فَوَالَّذِي نَفْسِي بِيَدِهِ! لَقَدْ تَابَتْ تَوْبَةً، لَوْ تَابَهَا صَاحِبُ مَكْسٍ لَغُفِرَ لَهُ».

ثُمَّ أَمَرَ بِهَا فَصَلَّىٰ عَلَيْهَا وَدُفِنَتْ.

**[4433] 24 - (1696)** It was narrated from 'Imrân bin Husain that a woman from Juhainah came to the Prophet of Allâh ﷺ and she was pregnant as the result of *Zinâ*. She said: O Prophet of Allâh, I have done something that incurs a *Hadd* punishment, so carry it out on me. The Prophet of Allâh ﷺ called her guardian and said: "Treat her well, then when she has given birth, bring her to me." He did that, and the Prophet of Allâh ﷺ ordered that her clothes be tied around her, then he ordered that she be stoned. Then he offered the funeral prayer for her, and 'Umar said to him: "Will you offer the funeral prayer for her, O Prophet of Allâh, when she has committed *Zinâ*?" He said:

**[٤٤٣٣] ٢٤-(١٦٩٦)** حَدَّثَنِي أَبُو غَسَّانَ مَالِكُ بْنُ عَبْدِ الْوَاحِدِ الْمِسْمَعِيُّ: حَدَّثَنَا مُعَاذٌ يَعْنِي ابْنَ هِشَامٍ: حَدَّثَنِي أَبِي، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ: حَدَّثَنِي أَبُو قِلَابَةَ: أَنَّ أَبَا الْمُهَلَّبِ حَدَّثَهُ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ امْرَأَةً مِنْ جُهَيْنَةَ أَتَتْ نَبِيَّ اللهِ ﷺ، وَهِيَ حُبْلَىٰ مِنَ الزِّنَىٰ، فَقَالَتْ: يَا نَبِيَّ اللهِ! أَصَبْتُ حَدًّا فَأَقِمْهُ عَلَيَّ، فَدَعَا نَبِيُّ اللهِ ﷺ وَلِيَّهَا، فَقَالَ: «أَحْسِنْ إِلَيْهَا، فَإِذَا وَضَعَتْ فَائْتِنِي بِهَا» فَفَعَلَ، فَأَمَرَ بِهَا نَبِيُّ اللهِ ﷺ، فَشُكَّتْ عَلَيْهَا ثِيَابُهَا، ثُمَّ أَمَرَ بِهَا فَرُجِمَتْ، ثُمَّ صَلَّىٰ عَلَيْهَا، فَقَالَ لَهُ عُمَرُ: تُصَلِّي عَلَيْهَا يَا نَبِيَّ اللهِ! وَقَدْ زَنَتْ؟ قَالَ:

[1] *Maks*: an unjust tax collected by the helpers of the wrongdoers when people buy and sell.

"She has repented in such a manner that if it were divided among seventy of the people of Al-Madînah, it would be sufficient for them. Have you seen any repentance better than that of one who sacrificed herself to Allâh, Exalted is He?"

«لَقَدْ تَابَتْ تَوْبَةً لَوْ قُسِمَتْ بَيْنَ سَبْعِينَ مِنْ أَهْلِ الْمَدِينَةِ لَوَسِعَتْهُمْ، وَهَلْ وَجَدْتَ تَوْبَةً أَفْضَلَ مِنْ أَنْ جَادَتْ بِنَفْسِهَا لِلّٰهِ تَعَالَىٰ؟».

**[4434] (...)** Yaḥyâ bin Abî Kathîr narrated a similar report (as *Ḥadîth* no. 4433) with this chain.

**[٤٤٣٤] (...)** وحَدَّثَنَاه أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَّانُ بْنُ مُسْلِمٍ: حَدَّثَنَا أَبَانٌ الْعَطَّارُ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ.

**[4435] 25 - (1697/1698)** It was narrated that Abû Hurairah and Zaid bin Khâlid Al-Juhanî said: "A man from among the Bedouin came to the Messenger of Allâh ﷺ and said: 'O Messenger of Allâh, I adjure you by Allâh to judge me according to the Book of Allâh.' The second claimant - who was wiser than him - said: 'Yes, judge between us according to the Book of Allâh, but let me speak.' The Messenger of Allâh ﷺ said: 'Speak.' He said: 'My son was employed by this man, and he committed *Zinâ* with his wife. I was told that my son should be stoned, but I ransomed him for one hundred sheep and a slave girl. I asked the people of knowledge and they told me that my son should be given one hundred lashes and be exiled for one year, and that this man's wife should be stoned.' The Messenger of Allâh ﷺ said: 'By the One in Whose Hand is my

**[٤٤٣٥] ٢٥-(١٦٩٧/١٦٩٨)** حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ ابْنِ عَبْدِ اللهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ أَنَّهُمَا قَالَا: إِنَّ رَجُلًا مِنَ الْأَعْرَابِ أَتَىٰ رَسُولَ اللهِ ﷺ، فَقَالَ: يَا رَسُولَ اللهِ! أَنْشُدُكَ اللهَ إِلَّا قَضَيْتَ لِي بِكِتَابِ اللهِ، فَقَالَ الْخَصْمُ الْآخَرُ، - وَهُوَ أَفْقَهُ مِنْهُ-: نَعَمْ، فَاقْضِ بَيْنَنَا بِكِتَابِ اللهِ، وَائْذَنْ لِي، فَقَالَ رَسُولُ اللهِ ﷺ: «قُلْ» قَالَ: إِنَّ ابْنِي كَانَ عَسِيفًا عَلَىٰ هَٰذَا، فَزَنَىٰ بِامْرَأَتِهِ، وَإِنِّي أُخْبِرْتُ أَنَّ عَلَىٰ ابْنِي الرَّجْمَ، فَافْتَدَيْتُ مِنْهُ بِمِائَةِ شَاةٍ وَوَلِيدَةٍ، فَسَأَلْتُ أَهْلَ الْعِلْمِ فَأَخْبَرُونِي أَنَّمَا عَلَىٰ

soul, I will judge between you according to the Book of Allâh. The slave girl and the sheep should be given back, and your son should be given one hundred lashes and exiled for one year. Tomorrow, O Unais, go to the wife of this man, and if she admits it, then stone her.'

"The next day he went to her, and she admitted it, so the Messenger of Allâh ﷺ ordered that she be stoned."

**[4436] (...)** A similar report (as no. 4435) was narrated from Az-Zuhrî with this chain.

## Chapter 6. Stoning Jews and *Ahl Adh-Dhimmah* for *Zinâ*

**[4437] 26 - (1699)** 'Abdullâh bin 'Umar narrated that a Jewish man and Jewish woman who had committed *Zinâ* were brought to the Messenger of Allâh ﷺ. The Messenger of Allâh ﷺ went to the Jews and said: "What do you find in the *Tawrât* (Torah) about

ابْنِي جَلْدُ مِائَةٍ وَتَغْرِيبُ عَامٍ، وَأَنَّ عَلَىٰ امْرَأَةِ هَـٰذَا الرَّجْمَ، فَقَالَ رَسُولُ اللهِ ﷺ: «وَالَّذِي نَفْسِي بِيَدِهِ! لأَقْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللهِ، الْوَلِيدَةُ وَالْغَنَمُ رَدٌّ، وَعَلَى ابْنِكَ جَلْدُ مِائَةٍ وَتَغْرِيبُ عَامٍ، اغْدُ، يَا أُنَيْسُ! إِلَى امْرَأَةِ هَـٰذَا، فَإِنِ اعْتَرَفَتْ فَارْجُمْهَا».

قَالَ: فَغَدَا عَلَيْهَا، فَاعْتَرَفَتْ، فَأَمَرَ بِهَا رَسُولُ اللهِ ﷺ، فَرُجِمَتْ.

**[٤٤٣٦]** (...) **وحَدَّثَنِي** أَبُو الطَّاهِرِ وَحَرْمَلَةُ، قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ؛ وَحَدَّثَنِي عَمْرٌو النَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، كُلُّهُمْ عَنِ الزُّهْرِيِّ بِهَـٰذَا الْإِسْنَادِ، نَحْوَهُ.

## (المعجم ٦) - (بَابُ رجم اليهود، أهل الذمة، في الزنىٰ) (التحفة ١٧)

**[٤٤٣٧] ٢٦-(١٦٩٩) حَدَّثَنِي** الْحَكَمُ بْنُ مُوسَىٰ أَبُو صَالِحٍ: حَدَّثَنَا شُعَيْبُ بْنُ إِسْحٰقَ: أَخْبَرَنَا عُبَيْدُ اللهِ عَنْ نَافِعٍ؛ أَنَّ عَبْدَ اللهِ بْنَ عُمَرَ أَخْبَرَهُ؛ أَنَّ رَسُولَ اللهِ ﷺ أُتِيَ بِيَهُودِيٍّ وَيَهُودِيَّةٍ قَدْ

the one who commits *Zinâ*?" They said: "We make them sit backwards (on mounts) and parade them around." He said: "Bring the *Tawrât* (Torah) if you are telling the truth." They brought it and read it, and when they reached the Verse of stoning, the person who was reading placed his hand over the Verse of stoning and read that which came before it and that which came after it. 'Abdullâh bin Salâm - who was with the Messenger of Allâh ﷺ - said to him: "Tell him to lift his hand," so he lifted it, and there beneath it was the Verse of stoning. So the Messenger of Allâh ﷺ ordered that they be stoned."

"'Abdullâh bin 'Umar said: 'I was among those who stoned them, and I saw him shielding her from the stones with his body.'"

**[4438] 27 - (...)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ stoned two Jews, a man and a woman, for *Zinâ*. The Jews brought them to the Messenger of Allâh ﷺ... and he quoted a similar *Ḥadîth* (as no. 4437).

زَنَيَا، فَانْطَلَقَ رَسُولُ اللهِ ﷺ حَتَّىٰ جَاءَ يَهُودَ، فَقَالَ: «مَا تَجِدُونَ فِي التَّوْرَاةِ عَلَىٰ مَنْ زَنَىٰ؟» قَالُوا: نُسَوِّدُ وُجُوهَهُمَا وَنُحَمِّلُهُمَا، وَنُخَالِفُ بَيْنَ وُجُوهِهِمَا، وَيُطَافُ بِهِمَا، قَالَ: «فَأْتُوا بِالتَّوْرَاةِ، إِنْ كُنْتُمْ صَادِقِينَ» فَجَاءُوْا بِهَا فَقَرَأُوهَا، حَتَّىٰ إِذَا مَرُّوا بِآيَةِ الرَّجْمِ، وَضَعَ الْفَتَى الَّذِي يَقْرَأُ يَدَهُ عَلَىٰ آيَةِ الرَّجْمِ، وَقَرَأَ مَا بَيْنَ يَدَيْهَا وَمَا وَرَاءَهَا، فَقَالَ لَهُ عَبْدُ اللهِ بْنُ سَلَامٍ، - وَهُو مَعَ رَسُولِ اللهِ ﷺ -: مُرْهُ فَلْيَرْفَعْ يَدَهُ، فَرَفَعَهَا، فَإِذَا تَحْتَهَا آيَةُ الرَّجْمِ، فَأَمَرَ بِهِمَا رَسُولُ اللهِ ﷺ، فَرُجِمَا.

قَالَ عَبْدُ اللهِ بْنُ عُمَرَ: كُنْتُ فِيمَنْ رَجَمَهُمَا، فَلَقَدْ رَأَيْتُهُ يَقِيهَا مِنَ الْحِجَارَةِ بِنَفْسِهِ.

**[٤٤٣٨] ٢٧-(...) وحَدَّثَني** زُهَيْرُ ابْنُ حَرْبٍ: أَخْبَرَنَا إِسْمَاعِيلُ - يَعْنِي ابْنَ عُلَيَّةَ عَنْ أَيُّوبَ؛ وَحَدَّثَنِي أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي رِجَالٌ مِنْ أَهْلِ الْعِلْمِ مِنْهُمْ مَالِكُ [بْنُ أَنَسٍ] أَنَّ نَافِعًا أَخْبَرَهُمْ، عَنِ ابْنِ عُمَرَ؛ أَنَّ رَسُولَ اللهِ ﷺ رَجَمَ فِي الزِّنَىٰ يَهُودِيَّيْنِ، رَجُلًا وَامْرَأَةً زَنَيَا، فَأَتَتِ الْيَهُودُ إِلَىٰ رَسُولِ اللهِ ﷺ بِهِمَا، وَسَاقُوا الْحَدِيثَ بِنَحْوِهِ.

**[4439]** (...) It was narrated from Ibn 'Umar that the Jews brought a man - of their own people - and a woman who had committed *Zinâ*, to the Messenger of Allâh ﷺ... and he quoted a *Hadîth* like that of 'Ubaidullâh from Nâfi' (no. 4437).

[٤٤٣٩] (...) وحَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا مُوسَى ابْنُ عُقْبَةَ عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ؛ أَنَّ الْيَهُودَ جَاءُوْا إِلَىٰ رَسُولِ اللهِ ﷺ بِرَجُلٍ - مِنْهُمْ - وَامْرَأَةٍ قَدْ زَنَيَا، وَسَاقَ الْحَدِيثَ بِنَحْوِ حَدِيثِ عُبَيْدِ اللهِ عَنْ نَافِعٍ.

**[4440] 28 - (1700)** It was narrated that Al-Barâ' bin 'Âzib said: A Jew whose face had been blackened and who had been whipped passed by the Messenger of Allâh ﷺ. He called them and said: "Is this how you find the punishment for *Zinâ* in your Book?" They said: "Yes." He called one of their scholars and said: "I adjure you by Allâh Who sent down the *Tawrât* (Torah) to Mûsâ, is this how you find the punishment for *Zinâ* in your Book?" He said: "No. Had you not adjured me (by Allâh), I would not have told you. We find (that the punishment) is stoning, but it became common among our nobles, so, if we caught a noble we would let him go, but if we caught a lowly person we would carry out the punishment on him. We said: Come, let us agree on something that we can impose on noble and lowly alike. So we made (the punishment of) blackening of the face and whipping instead of stoning." The Messenger of Allâh ﷺ said: "O Allâh, I am the first to

[٤٤٤٠] ٢٨-(١٧٠٠) وَحَدَّثَنَا يَحيَى بْنُ يَحْيَىٰ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، كِلَاهُمَا عَنْ أَبِي مُعَاوِيَةَ، قَالَ يَحْيَىٰ: أَخْبَرَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ عَبْدِ اللهِ بْنِ مُرَّةَ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: مُرَّ عَلَىٰ النَّبِيِّ ﷺ بِيَهُودِيٍّ مُحَمَّمًا مَجْلُودًا، فَدَعَاهُمْ فَقَالَ: «هَكَذَا تَجِدُونَ حَدَّ الزَّانِي فِي كِتَابِكُمْ؟» قَالُوا: نَعَمْ، فَدَعَا رَجُلًا مِنْ عُلَمَائِهِمْ، فَقَالَ: «أَنْشُدُكَ بِاللهِ الَّذِي أَنْزَلَ التَّوْرَاةَ عَلَىٰ مُوسَىٰ!: أَهَكَذَا تَجِدُونَ حَدَّ الزَّانِي فِي كِتَابِكُمْ؟» قَالَ: لَا، وَلَوْلَا أَنَّكَ نَشَدْتَنِي بِهَٰذَا لَمْ أُخْبِرْكَ، نَجِدُهُ الرَّجْمَ، وَلَكِنَّهُ كَثُرَ فِي أَشْرَافِنَا، فَكُنَّا إِذَا أَخَذْنَا الشَّرِيفَ تَرَكْنَاهُ، وَإِذَا أَخَذْنَا الضَّعِيفَ، أَقَمْنَا عَلَيْهِ الْحَدَّ، قُلْنَا: تَعَالَوْا فَلْنَجْتَمِعْ عَلَىٰ شَيْءٍ نُقِيمُهُ عَلَىٰ الشَّرِيفِ

revive Your command which they had made dead." Then he (ﷺ) ordered that he be stoned, and Allâh revealed: "O Messenger! Let not those who hurry to fall into disbelief grieve you... If you are given this, take it..." (*Al-Mâ'idah* 5:41). He (the Jew) said: Go to Muḥammad (ﷺ), and if he orders you to blacken the face and whip him, then accept it, but if he tells you to stone him, then beware. Then Allâh revealed the words: "And whosoever does not judge by what Allâh has revealed, such are the disbelievers (*Al-Mâ'idah* 5:44), "...And whosoever does not judge by that which Allâh has revealed, such are the wrongdoers (*Al-Mâ'idah* 5:45), "And whosoever does not judge by what Allâh has revealed (then) such (people) are the rebellious to Allâh" (*Al-Mâ'idah* 5:47), all concerning the disbelievers.

وَالْوَضِيعِ، فَجَعَلْنَا التَّحْمِيمَ وَالْجَلْدَ مَكَانَ الرَّجْمِ، فَقَالَ رَسُولُ اللهِ ﷺ: «اللَّهُمَّ إِنِّي أَوَّلُ مَنْ أَحْيَا أَمْرَكَ إِذْ أَمَاتُوهُ» فَأَمَرَ بِهِ فَرُجِمَ، فَأَنْزَلَ اللهُ عَزَّ وَجَلَّ: ﴿يَٰٓأَيُّهَا ٱلرَّسُولُ لَا يَحْزُنكَ ٱلَّذِينَ يُسَٰرِعُونَ فِى ٱلْكُفْرِ﴾ إِلَىٰ قَوْلِهِ: ﴿إِنْ أُوتِيتُمْ هَٰذَا فَخُذُوهُ﴾ [المائدة: ٤١] يَقُولُ: ائْتُوا مُحَمَّدًا ﷺ، فَإِنْ أَمَرَكُمْ بِالتَّحْمِيمِ وَالْجَلْدِ فَخُذُوهُ، وَإِنْ أَفْتَاكُمْ بِالرَّجْمِ فَاحْذَرُوا، فَأَنْزَلَ اللهُ تَعَالَىٰ: ﴿وَمَن لَّمْ يَحْكُم بِمَآ أَنزَلَ ٱللَّهُ فَأُو۟لَٰٓئِكَ هُمُ ٱلْكَٰفِرُونَ﴾ [المائدة: ٤٤]. ﴿وَمَن لَّمْ يَحْكُم بِمَآ أَنزَلَ ٱللَّهُ فَأُو۟لَٰٓئِكَ هُمُ ٱلظَّٰلِمُونَ﴾ [المائدة: ٤٥]. ﴿وَمَن لَّمْ يَحْكُم بِمَآ أَنزَلَ ٱللَّهُ فَأُو۟لَٰٓئِكَ هُمُ ٱلْفَٰسِقُونَ﴾ [المائدة: ٤٧]. فِي الْكُفَّارِ كُلُّهَا.

**[4441] (...)** Al-A'ma<u>sh</u> narrated a similar <u>*Ḥadîth*</u> (as no. 4440) with this chain, as far as the words: "Then the Prophet ﷺ ordered that he be stoned," and he did not mention what comes after that about the revelation of the Verse.

**[٤٤٤١] (...)** حَدَّثَنَا ابْنُ نُمَيْرٍ وَأَبُو سَعِيدٍ الْأَشَجُّ قَالَا: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا الْأَعْمَشُ بِهَٰذَا الإِسْنَادِ، نَحْوَهُ، إِلَىٰ قَوْلِهِ: فَأَمَرَ بِهِ النَّبِيُّ ﷺ فَرُجِمَ، وَلَمْ يَذْكُرْ: مَا بَعْدَهُ مَنْ نُزُولِ الْآيَةِ.

**[4442] 28B - (1701)** Jâbir bin 'Abdullâh said: The Prophet ﷺ

**[٤٤٤٢] ٢٨م-(١٧٠١)** وحَدَّثَنِي هَٰرُونُ بْنُ عَبْدِ اللهِ: حَدَّثَنَا حَجَّاجُ ابْنُ

stoned a man from Aslam, and a Jewish man and his wife.

مُحَمَّدٍ: قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللهِ يَقُولُ: رَجَمَ النَّبِيُّ ﷺ رَجُلًا مِنْ أَسْلَمَ، وَرَجُلًا مِنَ الْيَهُودِ وَامْرَأَتَهُ.

**[4443] (...)** Ibn Juraij narrated a similar report (as no. 4442) with this chain, except that he said: "And a woman."

[٤٤٤٣] (...) وَحَدَّثَنَا إِسْحٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا رَوْحُ بْنُ عُبَادَةَ: حَدَّثَنَا ابْنُ جُرَيْجٍ، بِهٰذَا الْإِسْنَادِ. مِثْلَهُ غَيْرَ أَنَّهُ قَالَ: وَامْرَأَةً.

**[4444] 29 - (1702)** It was narrated that Isḥâq Ash-Shaibânî said: "I asked 'Abdullâh bin Abî Awfa: 'Did the Messenger of Allâh ﷺ stone anyone?' He said: 'Yes.' I said: Was that after the Verse in *Sûrat An-Nûr* or before it? 'He said:' I do not know."

**[٤٤٤٤] ٢٩-(١٧٠٢) وحَدَّثَنَا** أَبُو كَامِلٍ الْجَحْدَرِيُّ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا سُلَيْمَانُ الشَّيْبَانِيُّ قَالَ: سَأَلْتُ عَبْدَ اللهِ بْنَ أَبِي أَوْفَىٰ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ أَبِي إِسْحٰقَ الشَّيْبَانِيِّ قَالَ: سَأَلْتُ عَبْدَ اللهِ بْنَ أَبِي أَوْفَىٰ: هَلْ رَجَمَ رَسُولُ اللهِ ﷺ؟ قَالَ: نَعَمْ، قَالَ: قُلْتُ: بَعْدَ مَا أُنْزِلَتْ سُورَةُ النُّورِ أَمْ قَبْلَهَا؟ قَالَ: لَا أَدْرِي.

**[4445] 30 - (1703)** It was narrated that Abû Hurairah said: "I heard the Messenger of Allâh ﷺ say: 'If the slave woman of one of you commits *Zinâ* and it becomes clear, then carry out the *Hadd* punishment of whipping on her, but do not rebuke her. Then if she commits *Zinâ* (a second time) and it becomes clear, then

**[٤٤٤٥] ٣٠-(١٧٠٣) وحَدَّثَنِي** عِيسَى بْنُ حَمَّادٍ الْمِصْرِيُّ: أَخْبَرَنَا اللَّيْثُ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ أَنَّهُ سَمِعَهُ يَقُولُ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «إِذَا زَنَتْ أَمَةُ أَحَدِكُمْ فَتَبَيَّنَ زِنَاهَا، فَلْيَجْلِدْهَا الْحَدَّ،

carry out the *Hadd* punishment of whipping on her, but do not rebuke her. Then if she commits *Zinâ* a third time, and it becomes clear, sell her, even for a rope of hair.'"

وَلَا يُثَرِّبْ عَلَيْهَا، ثُمَّ إِنْ زَنَتْ، فَلْيَجْلِدْهَا الْحَدَّ، وَلَا يُثَرِّبْ عَلَيْهَا، ثُمَّ إِنْ زَنَتِ الثَّالِثَةَ، فَتَبَيَّنَ زِنَاهَا، فَلْيَبِعْهَا، وَلَوْ بِحَبْلٍ مِنْ شَعَرٍ».

**[4446] 31 - (...)** It was narrated from the Prophet ﷺ concerning the whipping of a slave woman (a *Hadîth* similar to no. 4445) if she commits *Zinâ* three times: "Then let him sell her the fourth time."

**[٤٤٤٦] ٣١-(...) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَإِسْحَٰقُ بْنُ إِبْرَٰهِيمَ جَمِيعًا عَنِ ابْنِ عُيَيْنَةَ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا مُحَمَّدُ ابْنُ بَكْرٍ الْبُرْسَانِيُّ: حَدَّثَنَا هِشَامُ بْنُ حَسَّانَ، كِلَاهُمَا عَنْ أَيُّوبَ بْنِ مُوسَىٰ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو أُسَامَةَ وَابْنُ نُمَيْرٍ، عَنْ عُبَيْدِ اللهِ بْنِ عُمَرَ؛ وَحَدَّثَنِي هَٰرُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنِي أُسَامَةُ ابْنُ زَيْدٍ؛ وَحَدَّثَنَا هَنَّادُ بْنُ السَّرِيِّ وَأَبُو كُرَيْبٍ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ، عَنْ عَبْدَةَ ابْنِ سُلَيْمَانَ، عَنْ مُحَمَّدِ بْنِ إِسْحَٰقَ، كُلُّ هَؤُلَاءِ عَنْ سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، إِلَّا أَنَّ ابْنَ إِسْحَٰقَ قَالَ فِي حَدِيثِهِ: عَنْ سَعِيدٍ، عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ، فِي جَلْدِ الْأَمَةِ إِذَا زَنَتْ ثَلَاثًا: «ثُمَّ لِيَبِعْهَا فِي الرَّابِعَةِ».

**[4447] 32 - (...)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ was asked

**[٤٤٤٧] ٣٢-(...) وَحَدَّثَنَا** عَبْدُ اللهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ: حَدَّثَنَا

about a slave woman who commits *Zinâ* and is not married. He said: "If she commits *Zinâ*, whip her; then if she commits *Zinâ* (again), whip her; then if she commits *Zinâ*, whip her, then sell her, even if it is for a rope."

Ibn Shihâb said: I do not know whether it (the selling) was after the third time or the fourth.

مَالِكٌ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ - وَاللَّفْظُ لَهُ - قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنِ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللهِ ﷺ: سُئِلَ عَنِ الْأَمَةِ إِذَا زَنَتْ وَلَمْ تُحْصِنْ؟ قَالَ: «إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ إِنْ زَنَتْ فَاجْلِدُوهَا، ثُمَّ بِيعُوهَا وَلَوْ بِضَفِيرٍ».

قَالَ ابْنُ شِهَابٍ: لَا أَدْرِي، أَبَعْدَ الثَّالِثَةِ أَوِ الرَّابِعَةِ.

وَقَالَ الْقَعْنَبِيُّ فِي رِوَايَتِهِ: قَالَ ابْنُ شِهَابٍ: وَالضَّفِيرُ: الْحَبْلُ.

**[4448] 33 - (1704)** It was narrated from Abû Hurairah and Zaid bin Khâlid Al-Juhanî that the Messenger of Allâh ﷺ was asked about a slave woman... a similar report (as no. 4447).

**[٤٤٤٨] ٣٣-(١٧٠٤) وحَدَّثَنَا** أَبُو الطَّاهِرِ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: سَمِعْتُ مَالِكًا يَقُولُ: حَدَّثَنِي ابْنُ شِهَابٍ عَنْ عُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ بْنِ عُتْبَةَ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ ابْنِ خَالِدٍ الْجُهَنِيِّ: أَنَّ رَسُولَ اللهِ ﷺ سُئِلَ عَنِ الْأَمَةِ بِمِثْلِ حَدِيثِهِمَا، وَلَمْ يَذْكُرْ قَوْلَ ابْنِ شِهَابٍ: وَالضَّفِيرُ: الْحَبْلُ.

**[4449] (...)** A *Hadîth* like that of Mâlik (no. 4448) was narrated from Abû Hurairah and Zaid bin Khâlid Al-Juhanî from the Prophet ﷺ. The uncertainty as to whether she is to be sold after the third time or the fourth appears in all the reports.

**[٤٤٤٩] (...) وَحَدَّثَنِي** عَمْرٌو النَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كِلَاهُمَا عَنِ الزُّهْرِيِّ، عَنْ

عُبَيْدِ اللهِ، عَنْ أَبِي هُرَيْرَةَ وَزَيْدِ بْنِ خَالِدٍ [الْجُهَنِيِّ] عَنِ النَّبِيِّ ﷺ بِمِثْلِ حَدِيثِ مَالِكٍ. وَالشَّكُّ فِي حَدِيثِهِمَا جَمِيعًا، فِي بَيْعِهَا فِي الثَّالِثَةِ أَوِ الرَّابِعَةِ.

## Chapter 7. Delaying the *Ḥadd* punishment in the case of women who have just given birth

## (المعجم ٧) - (بَابُ تأخير الحدّ عن النفساء) (التحفة ١٨)

**[4450] 34 - (1705)** It was narrated that Abû 'Abdur-Raḥmân said: "'Alî (may Allâh honor his face) gave a speech and said: 'O people, carry out the *Ḥadd* punishments on your slaves, those who are married and those who are not married. A slave woman of the Messenger of Allâh ﷺ committed *Zinâ*, and he told me to whip her, but she had recently given birth, and I was afraid that if I whipped her, I would kill her. I mentioned that to the Prophet ﷺ and he said: You have done well.'"

**[٤٤٥٠] ٣٤-(١٧٠٥) حَدَّثَنَا** مُحَمَّدُ ابْنُ أَبِي بَكْرٍ الْمُقَدَّمِيُّ: حَدَّثَنَا سُلَيْمَانُ أَبُو دَاوُدَ: حَدَّثَنَا زَائِدَةُ عَنِ السُّدِّيِّ، عَنْ سَعْدِ بْنِ عُبَيْدَةَ، عَنْ أَبِي عَبْدِ الرَّحْمٰنِ قَالَ: خَطَبَ عَلِيٌّ كَرَّمَ اللهُ وَجْهَهُ فَقَالَ: يَا أَيُّهَا النَّاسُ أَقِيمُوا عَلَىٰ أَرِقَّائِكُمُ الْحَدَّ، مَنْ أُحْصِنَ مِنْهُمْ وَمَنْ لَمْ يُحْصِنْ، فَإِنَّ أَمَةً لِرَسُولِ اللهِ ﷺ زَنَتْ، فَأَمَرَنِي أَنْ أَجْلِدَهَا، فَإِذَا هِيَ حَدِيثُ عَهْدٍ بِنِفَاسٍ، فَخَشِيتُ إِنْ أَنَا جَلَدْتُهَا، أَنْ أَقْتُلَهَا، فَذَكَرْتُ ذَٰلِكَ لِلنَّبِيِّ ﷺ، فَقَالَ: «أَحْسَنْتَ».

**[4451] (...)** It was narrated from As-Suddî with this chain (a similar *Ḥadîth* as no. 4450), but he did not mention: "Those who are married and those who are not married." And he added in the *Ḥadîth*: "Leave her until she recovers."

**[٤٤٥١] (...) وحَدَّثَنَا** إِسْحٰقُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا إِسْرَائِيلُ عَنِ السُّدِّيِّ بِهَٰذَا الْإِسْنَادِ، وَلَمْ يَذْكُرْ: مَنْ أُحْصِنَ مِنْهُمْ وَمَنْ لَمْ يُحْصِنْ. وَزَادَ فِي الْحَدِيثِ: «اتْرُكْهَا حَتَّىٰ تَمَاثَلَ».

## Chapter 8. *Hadd* punishment for drinking alcohol

(المعجم ٨) - (بَابُ حدّ الخمر)

(التحفة ١٩)

**[4452] 35 - (1706)** It was narrated from Anas bin Mâlik that a man who had drunk wine was brought to the Prophet ﷺ and he whipped him with two palm branches approximately forty times.

He said: "And Abû Bakr did that, but when 'Umar was caliph he consulted the people and 'Abdur-Raḥmân said: 'The least of the *Hadd* punishments is eighty,' so 'Umar enjoined that."

**[٤٤٥٢] ٣٥-(١٧٠٦)** حَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ وَمُحَمَّدُ بْنُ بَشَّارٍ قالا: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ قَالَ: سَمِعْتُ قَتَادَةَ يُحَدِّثُ عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ: أُتِيَ بِرَجُلٍ قَدْ شَرِبَ الخَمْرَ فَجَلَدَهُ بِجَرِيدَتَيْنِ نَحْوَ أَرْبَعِينَ.

قَالَ: وَفَعَلَهُ أَبُو بَكْرٍ، فَلَمَّا كَانَ عُمَرُ اسْتَشَارَ النَّاسَ، فَقَالَ عَبْدُ الرَّحْمٰنِ: أَخَفَّ الْحُدُودِ ثَمَانِينَ، فَأَمَرَ بِهِ عُمَرُ.

**[4453] (...)** Qatâdah said: I heard Anas say: A man was brought to the Prophet ﷺ... and he mentioned a similar report (as no. 4452)."

**[٤٤٥٣] (...)** وحَدَّثَنِيهِ يَحْيَى بْنُ حَبِيبٍ الْحَارِثِيُّ: حَدَّثَنَا خَالِدٌ يَعْنِي ابْنَ الْحَارِثِ،: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا قَتَادَةُ قَالَ: سَمِعْتُ أَنَسًا يَقُولُ: أُتِيَ رَسُولُ اللهِ ﷺ بِرَجُلٍ، فَذَكَرَ نَحْوَهُ.

**[4454] 36 - (...)** It was narrated from Anas bin Mâlik that the Prophet of Allâh ﷺ whipped people for drinking wine with palm branches and shoes, then Abû Bakr ordered that forty lashes be given, but when 'Umar was caliph, the people drew near to countryside and cities. He said: "What do you think about whipping for drinking wine?" 'Abdur-Raḥmân bin 'Awf said: "I think you should make it like the

**[٤٤٥٤] ٣٦-(...)** وَحَدَّثَنَا مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ نَبِيَّ اللهِ ﷺ جَلَدَ فِي الْخَمْرِ بِالْجَرِيدِ وَالنِّعَالِ، ثُمَّ جَلَدَ أَبُو بَكْرٍ أَرْبَعِينَ، فَلَمَّا كَانَ عُمَرُ، وَدَنَا النَّاسُ مِنَ الرِّيفِ وَالْقُرَىٰ، قَالَ: مَا تَرَوْنَ فِي جَلْدِ الْخَمْرِ؟ فَقَالَ عَبْدُ الرَّحْمٰنِ بْنُ عَوْفٍ:

lightest of the *Ḥadd* punishments" so 'Umar ordered that eighty lashes be given.

**[4455] (...)** Hishâm narrated a similar report (as no. 4454) with this chain.

**[4456] 37 - (...)** It was narrated from Anas that the Prophet ﷺ used to give forty lashes with palm branches and shoes for (drinking) wine; then he mentioned a similar *Ḥadîth* (as no. 4454), but he did not mention countryside and cities.

**[4457] 38 - (1707)** Huḍayn bin Al-Mundhir Abû Sasân said: "I saw when Al-Walîd was brought to 'Uthmân bin 'Affân after he had led two *Rak'ah* of *Fajr* prayer and then said: 'Shall I lead you in further prayers?' Two men bore witness against him. One of them was Ḥumrân, who said that he had drunk wine, and the other testified that he had seen him vomiting. 'Uthmân said: 'He would not have vomited unless he drank it.' He said: 'O 'Alî, get up and whip him.' 'Alî said: 'O Ḥasan, get up and whip him. Al-Ḥasan said: 'Let those who are enjoying the position of leadership carry out the punishment.' It was as if he ('Alî) got upset with him and he said: 'Get up, O 'Abdullâh bin

أَرَىٰ أَنْ تَجْعَلَهَا كَأَخَفِّ الْحُدُودِ، قَالَ: فَجَلَدَ عُمَرُ ثَمَانِينَ.

**[٤٤٥٥] (. . .) وَحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا هِشَامٌ بِهَٰذَا الإِسْنَادِ، مِثْلَهُ.

**[٤٤٥٦] ٣٧-(. . .) وحَدَّثَنَا** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ عَنْ هِشامٍ، عَنْ قَتَادَةَ، عَنْ أَنسٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يضْرِبُ فِي الْخَمْرِ بِالنِّعَالِ والْجَرِيدِ أَرْبَعِينَ، ثُمَّ ذَكَرَ نَحْوَ حَدِيثِهِمَا، وَلَمْ يَذْكُرِ: الرِّيفَ وَالْقُرَىٰ.

**[٤٤٥٧] ٣٨-(١٧٠٧) حَدَّثَنَا** أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَزُهَيْرُ بْنُ حَرْبٍ وَعَلِيُّ بْنُ حُجْرٍ، قَالُوا: حَدَّثَنَا إِسْمَاعِيلُ - وَهُوَ ابْنُ عُلَيَّةَ - عَنِ ابْنِ أَبِي عَرُوبَةَ، عَنْ عَبْدِ اللهِ الدَّانَاجِ؛ وَحَدَّثَنَا إِسْحٰقُ بْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ - وَاللَّفْظُ لَهُ -: أَخْبَرَنَا يَحْيَى بْنُ حَمَّادٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ الْمُخْتَارِ: حَدَّثَنَا عَبْدُ اللهِ بْنُ فَيْرُوزَ مَوْلَى ابْنِ عَامِرٍ الدَّانَاجِ: حَدَّثَنَا حُضَيْنُ بْنُ الْمُنْذِرِ أَبُو سَاسَانَ قَالَ: شَهِدْتُ عُثْمَانَ بْنَ عَفَّانَ أُتِيَ بِالْوَلِيدِ قَدْ صَلَّى الصُّبْحَ رَكْعَتَيْنِ، ثُمَّ قَالَ: أَزِيدُكُمْ؟ فَشَهِدَ عَلَيْهِ رَجُلَانِ: أَحَدُهُمَا حُمْرَانُ؛ أَنَّهُ شَرِبَ الْخَمْرَ وَشَهِدَ آخَرُ؛ أَنَّهُ

Ja'far! Get up and whip him.' So he whipped him, and 'Alî counted until he had reached forty, then he said: 'Stop.' Then he said: 'The Prophet ﷺ gave forty lashes, and Abû Bakr gave forty, and 'Umar gave eighty. All are *Sunnah* but this is dearer to me."'

رآه يَتَقَيَّأُ، فَقالَ عُثْمَانُ: إنَّهُ لَمْ يَتَقَيَّأْ حَتَّىٰ شَرِبَهَا، فَقَالَ: يَا عَلِيُّ! قُمْ فَاجْلِدْهُ، فقَالَ عَلِيٌّ: قُمْ، يَا حَسَنُ! فَاجْلِدْهُ. فَقَالَ الْحَسَنُ: وَلِّ حَارَّهَا مَنْ تَوَلَّى قَارَّهَا فَكَأَنَّهُ وَجَدَ عَلَيْهِ، فَقَالَ: قُمْ يا عَبدَ اللهِ بْنَ جَعْفَر! قُمْ فَاجْلِدْهُ، فَجَلَدَهُ، وَعَلِيٌّ يَعُدُّ حَتَّىٰ بَلَغَ أَرْبَعِينَ، فقال: أَمْسِكْ، ثُمَّ قَالَ: جَلَدَ النَّبِيُّ ﷺ أَرْبَعِينَ، وأَبُو بَكْرٍ أَرْبَعِينَ، وَعُمَرُ ثَمَانِينَ، وَكُلٌّ سُنَّةٌ، وَهٰذَا أَحَبُّ إلَيَّ.

زَادَ عَلِيُّ بنُ حُجْرٍ فِي رِوَايَتِهِ: قَالَ إِسْمَاعِيلُ: وَقَدْ سَمِعْتُ حَدِيثَ الدَّانَاجِ مِنْهُ فَلَمْ أَحْفَظْهُ.

**[4458] 39 - (...)** It was narrated that 'Alî said: "I did not carry out any *Ḥadd* punishment on a person who died as a result, but I did not mind, except in the case of one who had drunk wine, because if he died I would pay the *Diyah*, because the Messenger of Allâh ﷺ did not specify any number."

**[٤٤٥٨] ٣٩-(...) وَحَدَّثَني مُحَمَّدُ** ابْنُ مِنْهَالٍ الضَّرِيرُ: حَدَّثَنَا يَزِيدُ ابْنُ زُرَيْعٍ: حَدَّثَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي حَصِينٍ، عَنْ عُمَيْرِ بْنِ سَعِيدٍ، عَنْ عَلِيٍّ قَالَ: مَا كُنْتُ أُقِيمُ عَلَىٰ أَحَدٍ حَدًّا فَيَمُوتَ فِيهِ، فَأَجِدَ مِنْهُ فِي نَفْسِي، إلَّا صَاحِبَ الْخَمْرِ، لأَنَّهُ إنْ مَاتَ وَدَيْتُهُ، لأَنَّ رَسُولَ اللهِ ﷺ لَمْ يَسُنَّهُ.

**[4459] (...)** Sufyân narrated a similar report (as no. 4458), with this chain.

**[٤٤٥٩] (...) وَحَدَّثَنَا** مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا عَبْدُ الرَّحْمٰنِ: حَدَّثَنَا سُفْيَانُ بِهٰذَا الإسْنَادِ، مِثْلَهُ.

## Chapter 9. Number of lashes in the case of *Ta'zîr*

(المعجم ٩) - (بَابُ قدر أسواط التعزير) (التحفة ٢٠)

**[4460] 40 - (1708)** It was narrated from Abû Burdah Al-Anṣârî that he heard the Messenger of Allâh ﷺ say: "No one should be given more than ten lashes except in the case of one of the *Ḥadd* punishments prescribed by Allâh."

[٤٤٦٠] ٤٠-(١٧٠٨) حَدَّثَنَا أَحْمَدُ ابْنُ عِيسَىٰ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرٌو عَنْ بُكَيْرِ بْنِ الْأَشَجِّ قَالَ: بَيْنَا نَحْنُ عِنْدَ سُلَيْمَانَ بْنِ يَسَارٍ، إِذْجَاءَهُ عَبْدُ الرَّحْمٰنِ بْنُ جَابِرٍ، فَحَدَّثَهُ، فَأَقْبَلَ عَلَيْنَا سُلَيْمَانُ، فَقَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَٰنِ بْنُ جَابِرٍ عَنْ أَبِيهِ، عَنْ أَبِي بُرْدَةَ [الأَنْصَارِيِّ] أَنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ يَقُولُ: «لَا يُجْلَدُ أَحَدٌ فَوْقَ عَشَرَةِ أَسْوَاطٍ، إِلَّا فِي حَدٍّ مِنْ حُدُودِ اللهِ».

## Chapter 10. The *Ḥadd* punishments are an expiation for those on whom they are carried out

(المعجم ١٠) - (بَابُ الحدود كفارات لأهلها) (التحفة ٢١)

**[4461] 41 - (1709)** It was narrated that 'Ubâdah bin Aṣ-Ṣâmit said: "We were with the Messenger of Allâh ﷺ in a gathering, and he said: 'Swear allegiance to me, pledging that you will not associate anything with Allâh, you will not commit *Zinâ*, you will not steal and you will not kill any soul whom Allâh has forbidden killing except in cases dictated by (Islamic) law. Whoever among you fulfills that, his reward will be with Allâh, and whoever does any of those things

[٤٤٦١] ٤١-(١٧٠٩) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَعَمْرٌو النَّاقِدُ وَإِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَابْنُ نُمَيْرٍ، كُلُّهُمْ عَنِ ابْنِ عُيَيْنَةَ - وَاللَّفْظُ لِعَمْرٍو - قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: كُنَّا مَعَ رَسُولِ اللهِ ﷺ فِي مَجْلِسٍ، فَقَالَ: «تُبَايِعُونِي عَلَىٰ أَنْ لَا تُشْرِكُوا بِاللهِ شَيْئًا،

and is punished for it, that will be an expiation for him. Whoever does any of those things and Allâh conceals him, his case will rest with Allâh: if He wills He will forgive him and if He wills He will punish him.'"

وَلَا تَزْنُوا، وَلَا تَسْرِقُوا، وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللهُ إِلَّا بِالْحَقِّ، فَمَنْ وَفَىٰ مِنْكُمْ فَأَجْرُهُ عَلَىٰ اللهِ، وَمَنْ أَصَابَ شَيْئًا مِنْ ذَٰلِكَ فَعُوقِبَ بِهِ، فَهُوَ كَفَّارَةٌ لَهُ، وَمَنْ أَصَابَ شَيْئًا مِنْ ذَٰلِكَ فَسَتَرَهُ اللهُ عَلَيْهِ، فَأَمْرُهُ إِلَىٰ اللهِ عَزَّ وَجَلَّ إِنْ شَاءَ عَفَا عَنْهُ، وَإِنْ شَاءَ عَذَّبَهُ». [انظر: ٤٧٦٨]

**[4462] 42 - (...)** It was narrated from Az-Zuhrî with this chain (a *Hadîth* similar to no. 4461). He added in the *Hadîth*: "And he recited to us the Verse of (*Sûrat*) *An-Nisâ'*: '...That they will not associate anything in worship with Allâh..." (*Al-Mumtahanah* 60:12).

**[٤٤٦٢] ٤٢-(...)** وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ بِهَٰذَا الْإِسْنَادِ. وَزَادَ فِي الْحَدِيثِ: فَتَلَا عَلَيْنَا آيَةَ النِّسَاءِ: ﴿أَن لَّا يُشْرِكْنَ بِٱللَّهِ شَيْـًٔا﴾ الْآيَةَ [الممتحنة: ١٢].

**[4463] 43 - (...)** It was narrated that 'Ubâdah bin As-Sâmit said: "The Messenger of Allâh ﷺ took a pledge from us as he took from the women: That we would not associate anything in worship with Allâh, we would not steal, we would not commit *Zinâ*, we would not kill our children and we would not slander one another. (The Messenger of Allâh ﷺ would say:) among you fulfills that, his reward is with Allâh, and whoever among you does any of these things and is punished for it, that will be his expiation. If Allâh conceals anyone, his case will rest with Allâh: if He wills He will punish him and if He wills He will forgive him.'"

**[٤٤٦٣] ٤٣-(...)** وحَدَّثَني إِسْمَاعِيلُ بْنُ سَالِمٍ: أَخْبَرَنَا هُشَيْمٌ: أَخْبَرَنَا خَالِدٌ عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْأَشْعَثِ الصَّنْعَانِيِّ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ: أَخَذَ عَلَيْنَا رَسُولُ اللهِ ﷺ كَمَا أَخَذَ عَلَىٰ النِّسَاءِ: أَنْ لَا نُشْرِكَ بِاللهِ شَيْئًا، وَلَا نَسْرِقَ، وَلَا نَزْنِيَ، وَلَا نَقْتُلَ أَوْلَادَنَا، وَلَا يَعْضَهَ بَعْضُنَا بَعْضًا: «فَمَنْ وَفَىٰ مِنْكُمْ فَأَجْرُهُ عَلَىٰ اللهِ، وَمَنْ أَتَىٰ مِنْكُمْ حَدًّا فَأُقِيمَ عَلَيْهِ فَهُوَ كَفَّارَتُهُ، وَمَنْ سَتَرَهُ اللهُ عَلَيْهِ فَأَمْرُهُ إِلَى اللهِ، إِنْ شَاءَ عَذَّبَهُ، وَإِنْ شَاءَ غَفَرَ لَهُ».

**[4464] 44 - (...)** It was narrated that 'Ubâdah bin Aṣ-Ṣâmit said: I am one of the leaders who swore allegiance to the Messenger of Allâh ﷺ. He said: "We swore allegiance to him, pledging that we would not associate anything in worship with Allâh, we would not commit *Zinâ*, we would not steal, we would not kill any soul whom Allâh has forbidden killing except in cases dictated by (Islamic) law, we would not plunder and we would not disobey. Paradise (would be ours) if we did that, but if we committed any of these actions then the judgment would be decided by Allâh, exalted and glorified is He."

**[٤٤٦٤] ٤٤-(...)** حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنِ الصُّنَابِحِيِّ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ أَنَّهُ قَالَ: إِنِّي مِنَ النُّقَبَاءِ الَّذِينَ بَايَعُوا رَسُولَ اللهِ ﷺ، وَقَالَ: بَايَعْنَاهُ عَلَىٰ أَنْ لَا نُشْرِكَ بِاللهِ شَيْئًا، وَلَا نَزْنِيَ، وَلَا نَسْرِقَ، وَلَا نَقْتُلَ النَّفْسَ الَّتِي حَرَّمَ اللهُ إِلَّا بِالْحَقِّ، وَلَا نَنْتَهِبَ، وَلَا نَعْصِيَ، فَالْجَنَّةُ، إِنْ فَعَلْنَا ذَٰلِكَ، فَإِنْ غَشِينَا مِنْ ذَٰلِكَ شَيْئًا، كَانَ قَضَاءُ ذَٰلِكَ إِلَى اللهِ، وَقَالَ ابْنُ رُمْحٍ: كَانَ قَضَاؤُهُ إِلَى اللهِ عَزَّ وَجَلَّ.

## Chapter 11. There is no *Diyah* for injuries caused by animals or by falling into a mine or well

## (المعجم ١١) - (بَابُ جرح العجماء والمعدن والبئر جبار) (التحفة ٢٢)

**[4465] 45 - (1710)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "There is no *Diyah* for injuries caused by animals. There is no *Diyah* for injuries caused by falling into a well. There is no *Diyah* for injuries suffered when working in a mine. And the *Khums* is due on buried treasure."

**[٤٤٦٥] ٤٥-(١٧١٠)** وَحَدَّثَنَا يَحْيَى ابْنُ يَحْيَىٰ وَمُحَمَّدُ بْنُ رُمْحٍ قَالَا: أَخْبَرَنَا اللَّيْثُ؛ وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ عَنِ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قَالَ: «الْعَجْمَاءُ جَرْحُهَا جُبَارٌ، وَالْبِئْرُ جُبَارٌ، وَالْمَعْدِنُ جُبَارٌ، وَفِي الرِّكَازِ الْخُمُسُ».

**[4466] (...)** A similar *Ḥadîth* (as no. 4465) was narrated from Az-Zuhrî with the chain of Al-Laith.

**[٤٤٦٦] (...)** وحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ وَزُهَيْرُ ابْنُ

حَرْبٍ وَعَبْدُ الْأَعْلَى بْنُ حَمَّادٍ كُلُّهُمْ، عَنِ ابْنِ عُيَيْنَةَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا إِسْحٰقُ - يَعْنِي: ابْنَ عِيسَىٰ -: حَدَّثَنَا مَالِكٌ، كِلَاهُمَا، عَنِ الزُّهْرِيِّ بِإِسْنَادِ اللَّيْثِ، مِثْلَ حَدِيثِهِ.

**[4467] (...)** A similar report (as no. 4465) was narrated from Abû Hurairah, from the Messenger of Allâh ﷺ.

[٤٤٦٧] (. . .) **وحَدَّثَنَا** أَبُو الطَّاهِرِ وَحَرْمَلَةُ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ، عَنِ ابْنِ شِهَابٍ، عَنِ ابْنِ الْمُسَيَّبِ وَعُبَيْدِ اللهِ بْنِ عَبْدِ اللهِ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ. بِمِثْلِهِ.

**[4468] 46 - (...)** It was narrated from Abû Hurairah that the Messenger of Allâh ﷺ said: "There is no *Diyah* for injuries caused by falling into a well. There is no *Diyah* for injuries suffered when working in a mine. There is no *Diyah* for injuries caused by an animal. And the *Khums* is due on buried treasure."

[٤٤٦٨] ٤٦-(. . .) **وَحَدَّثَنَا** مُحَمَّدُ بْنُ رُمْحِ بْنِ الْمُهَاجِرِ: أَخْبَرَنَا اللَّيْثُ عَنْ أَيُّوبَ ابْنِ مُوسَىٰ، عَنِ الْأَسْوَدِ بْنِ الْعَلَاءِ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَٰنِ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ أَنَّهُ قَالَ: «الْبِئْرُ جَرْحُهَا جُبَارٌ، وَالْمَعْدِنُ جَرْحُهُ جُبَارٌ، وَالْعَجْمَاءُ جَرْحُهَا جُبَارٌ، وَفِي الرِّكَازِ الْخُمُسُ».

**[4469] (...)** A similar report (as no. 4468) was narrated from Abû Hurairah from the Prophet ﷺ.

[٤٤٦٩] (. . .) **وحَدَّثَنَا** عَبْدُ الرَّحْمَٰنِ ابْنُ سَلَّامٍ [الْجُمَحِيُّ]: حَدَّثَنَا الرَّبِيعُ يَعْنِي ابْنَ مُسْلِمٍ؛ وَحَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي؛ وَحَدَّثَنَا ابْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ قَالَا: حَدَّثَنَا شُعْبَةُ، كِلَاهُمَا، عَنْ مُحَمَّدِ بْنِ زِيَادٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ. بِمِثْلِهِ.

# 30. The Book Of Judicial Decisions

# ١٥ - (المعجم ٣٠) - كتاب الأقضية (التحفة ١٨)

## Chapter 1. Oath should be sworn by the defendant

## (المعجم ١) - (بَابُ اليمين على المدّعَىٰ عليه) (التحفة ١)

**[4470] 1 - (1711)** It was narrated from Ibn 'Abbâs that the Prophet ﷺ said: "If people were given on the basis of their claims, people would claim the lives and property of men. Rather the oath should be sworn by the defendant."

**[٤٤٧٠] ١-(١٧١١)** وَحَدَّثَني أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرِو بْنِ سَرْحٍ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنِ ابْنِ جُرَيْجٍ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَوْ يُعْطَى النَّاسُ بِدَعْوَاهُمْ، لَادَّعَىٰ نَاسٌ دِمَاءَ رِجَالٍ وَأَمْوَالَهُمْ، وَلٰكِنَّ الْيَمِينَ عَلَىٰ الْمُدَّعَىٰ عَلَيْهِ».

**[4471] 2 - (...)** It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ ruled that the oath should be sworn by the defendant.

**[٤٤٧١] ٢-(. . .)** وحَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ بِشْرٍ عَنْ نَافِعِ بْنِ عُمَرَ، عَنِ ابْنِ أَبِي مُلَيْكَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللهِ ﷺ قَضَىٰ بِالْيَمِينِ عَلَىٰ الْمُدَّعَىٰ عَلَيْهِ.

## Chapter 2. The obligation of judging on the basis of a witness and an oath

## (المعجم ٢) - (بَابُ وجوب الحكم بشاهد ويمين) (التحفة ٢)

**[4472] 3 - (1712)** It was narrated from Ibn 'Abbâs that the Messenger of Allâh ﷺ judged on the basis of a witness and an oath.

**[٤٤٧٢] ٣-(١٧١٢)** حَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ عَبْدِ اللهِ ابْنِ نُمَيْرٍ قَالَا: حَدَّثَنَا زَيْدٌ وَهُوَ ابْنُ حُبَابٍ: حَدَّثَنِي سَيْفُ بْنُ سُلَيْمَانَ: أَخْبَرَنِي قَيْسُ

ابْنُ سَعْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللهِ ﷺ قَضَىٰ بِيَمِينٍ وَشَاهِدٍ.

## Chapter 3. The judgment of the judge does not change what happened

(المعجم ٣) - (بَابُ بيان أن حكم الحاكم لا يغير الباطن) (التحفة ٣)

**[4473] 4 - (1713)** It was narrated that Umm Salamah said: The Messenger of Allâh ﷺ said: "You refer your disputes to me, but one of you may be more eloquent in arguing than the other, and I judge in his favor because of what I hear from him. If I allocate to a person something that is his brother's right, let him not take it, for I have allocated him a piece of Fire."

**[٤٤٧٣] ٤-(١٧١٣) حَدَّثَنِي** يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا أَبُو مُعَاوِيَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، عَنْ أُمِّ سلمَة قَالَتْ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّكُمْ تَخْتَصِمُونَ إِلَيَّ، وَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ أَلْحَنَ بِحُجَّتِهِ مِنْ بَعْضٍ، فَأَقْضِي لَهُ عَلَىٰ نَحْوِ مَا أَسْمَعُ مِنْهُ، فَمَنْ قَطَعْتُ لَهُ مِنْ حَقِّ أَخِيهِ شَيْئًا، فَلَا يَأْخُذْهُ، فَإِنَّمَا أَقْطَعُ لَهُ بِهِ قِطْعَةً مِنَ النَّارِ».

**[4474] (...)** A similar report (as no. 4473) was narrated from Hishâm with this chain.

**[٤٤٧٤] (...) حَدَّثَنَاه** أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا ابْنُ نُمَيْرٍ، كِلَاهُمَا، عَنْ هِشَامٍ بِهَٰذَا الإِسْنَادِ، مِثْلَهُ.

**[4475] 5 - (...)** It was narrated from Umm Salamah, the wife of the Messenger of Allâh ﷺ, that the Messenger of Allâh ﷺ heard noise of a dispute by the door of his apartment. He went out to them and said: "I am only human. Disputants come to me

**[٤٤٧٥] ٥-(...) حَدَّثَنِي** حَرْمَلَةُ ابْنُ يَحْيَىٰ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنِ ابْنِ شِهَابٍ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ عَنْ زَيْنَبَ بِنْتِ أَبِي سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ ﷺ؛ أَنَّ

and one of them may be more eloquent than the other, so I think that he is telling the truth and I rule in his favor. If I rule in a person's favor concerning the rights of another Muslim, it is no more than a piece of Fire, so let him burden himself with it or forsake it."

رَسُولَ اللهِ ﷺ سَمِعَ جَلَبَةَ خَصْمٍ بِبَابِ حُجْرَتِهِ، فَخَرَجَ إِلَيْهِمْ، فَقَالَ: «إِنَّمَا أَنَا بَشَرٌ، وَإِنَّهُ يَأْتِينِي الْخَصْمُ، فَلَعَلَّ بَعْضَهُمْ أَنْ يَكُونَ أَبْلَغَ مِنْ بَعْضٍ، فَأَحْسِبُ أَنَّهُ صَادِقٌ، فَأَقْضِي لَهُ، فَمَنْ قَضَيْتُ لَهُ بِحَقِّ مُسْلِمٍ، فَإِنَّمَا هِيَ قِطْعَةٌ مِنَ النَّارِ، فَلْيَحْمِلْهَا أَوْ يَذَرْهَا».

**[4476] 6 - (...)** A *Hadîth* like that of Yûnus (no. 4475) was narrated from Az-Zuhrî with this chain.

According to the *Hadîth* of Ma'mar: She (i.e., Umm Salamah) said: The Messenger of Allâh ﷺ heard the sound of a dispute by her door.

**[٤٤٧٦] ٦-(...)** وحَدَّثَنَا عَمْرٌو النَّاقِدُ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ ابْنِ سَعْدٍ: حَدَّثَنَا أَبِي، عَنْ صَالِحٍ؛ وَحَدَّثَنَا عَبْدُ بْنُ حُمَيْدٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ، كِلَاهُمَا، عَنِ الزُّهْرِيِّ بِهٰذَا الْإِسْنَادِ، نَحْوَ حَدِيثِ يُونُسَ.

وَفِي حَدِيثِ مَعْمَرٍ: قَالَتْ: سَمِعَ النَّبِيُّ ﷺ لَجَبَةَ خَصْمٍ بِبَابِ أُمِّ سَلَمَةَ.

## Chapter 4. The case of Hind

## (المعجم ٤) - (بَابُ قضية هند)

(التحفة ٤)

**[4477] 7 - (1714)** It was narrated that 'Âishah said: Hind bint 'Utbah, the wife of Abû Sufyân, entered upon the Messenger of Allâh ﷺ and said: O Messenger of Allâh, Abû Sufyân is a stingy man and he does not give me enough maintenance for myself and my children, unless I take from his wealth without his knowledge. Is there any sin on me for that? The

**[٤٤٧٧] ٧-(١٧١٤)** حَدَّثَنَا عَلِيُّ بْنُ حُجْرٍ السَّعْدِيُّ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: دَخَلَتْ هِنْدٌ بِنْتُ عُتْبَةَ امْرَأَةُ أَبِي سُفْيَانَ، عَلَىٰ رَسُولِ اللهِ ﷺ، فَقَالَتْ: يَا رَسُولَ اللهِ! إِنَّ أَبَا سُفْيَانَ رَجُلٌ شَحِيحٌ، لَا يُعْطِينِي مِنَ النَّفَقَةِ مَا يَكْفِينِي وَيَكْفِي

Messenger of Allâh ﷺ said: "Take from his wealth on a reasonable basis, whatever is sufficient for yourself and your children."

بَنِيَّ، إِلَّا مَا أَخَذْتُ مِنْ مَالِهِ بِغَيْرِ عِلْمِهِ، فَهَلْ عَلَيَّ فِي ذَٰلِكَ مِنْ جُنَاحٍ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «خُذِي مِنْ مَالِهِ بِالْمَعْرُوفِ، مَا يَكْفِيكِ وَيَكْفِي بَنِيكِ».

**[4478] (...)** It was narrated from Hishâm with this chain (a similar *Hadîth* as no. 4477).

[٤٤٧٨] (. . .) **وحَدَّثَنَاه** مُحَمَّدُ بْنُ عَبْدِ اللهِ بْنِ نُمَيْرٍ وَأَبُو كُرَيْبٍ، كِلَاهُمَا، عَنْ عَبْدِ اللهِ بْنِ نُمَيْرٍ وَوَكِيعٍ؛ وَحَدَّثَنَا يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنَا الضَّحَّاكُ يَعْنِي ابْنَ عُثْمَانَ، كُلُّهُمْ، عَنْ هِشَامٍ بِهَٰذَا الْإِسْنَادِ.

**[4479] 8 - (...)** It was narrated that 'Âishah said: Hind came to the Prophet ﷺ and said: O Messenger of Allâh, by Allâh, there was no household on earth upon whom I would have loved to see Allâh bring disgrace more than your household, but now there is no household on earth upon whom I would love to see Allâh bring honor more than your household. The Prophet ﷺ said: "And that (love) will increase, by the One in Whose Hand is my soul." Then she said: O Messenger of Allâh, Abû Sufyân is a niggardly man. Is there any sin on me if I spend on his children from his wealth without his knowledge? The

[٤٤٧٩] ٨-(. . .) **وحَدَّثَنَا** عَبْدُ بْنُ حُمَيْدٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: جَاءَتْ هِنْدٌ إِلَىٰ النَّبِيِّ ﷺ فَقَالَتْ: يَا رَسُولَ اللهِ! وَاللهِ! مَا كَانَ عَلَىٰ ظَهْرِ الْأَرْضِ أَهْلُ خِبَاءٍ أَحَبَّ إِلَيَّ مِنْ أَنْ يُذِلَّهُمُ اللهُ مِنْ أَهْلِ خِبَائِكَ، وَمَا عَلَىٰ ظَهْرِ الْأَرْضِ أَهْلُ خِبَاءٍ أَحَبَّ إِلَيَّ [مِنْ] أَنْ يُعِزَّهُمُ اللهُ مِنْ أَهْلِ خِبَائِكَ، فَقَالَ النَّبِيُّ ﷺ: «وَأَيْضًا، وَالَّذِي نَفْسِي بِيَدِهِ!»، ثُمَّ قَالَتْ: يَا رَسُولَ اللهِ! إِنَّ أَبَا سُفْيَانَ رَجُلٌ مُمْسِكٌ، فَهَلْ عَلَيَّ حَرَجٌ أَنْ

Prophet ﷺ said: "There is no sin on you if you spend on them on a reasonable basis."

أُنْفِقَ عَلَىٰ عِيَالِهِ مِنْ مَالِهِ بِغَيْرِ إِذْنِهِ؟ فَقَالَ النَّبِيُّ ﷺ: «لَا حَرَجَ عَلَيْكِ أَنْ تُنْفِقِي عَلَيْهِمْ بِالْمَعْرُوفِ».

**[4480] 9 - (...)** 'Urwah bin Az-Zubair narrated that 'Âishah said: Hind bint 'Utbah bin Rabî'ah came and said: O Messenger of Allâh, by Allâh there was no household on earth whom I would love to see humiliated more than your household, but now there is no household on earth whom I would love to see honored more than your household. The Messenger of Allâh ﷺ said: "And that (love) will increase, by the One in Whose Hand is my soul." Then she said: O Messenger of Allâh, Abû Sufyân is a niggardly man. Is there any sin on me if I feed our children from what he has? He said: "No, but do that on a reasonable basis."

**[٤٤٨٠] ٩-(...)** وَحَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا ابْنُ أَخِي الزُّهْرِيِّ عَنْ عَمِّهِ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ عَائِشَةَ قَالَتْ: جَاءَتْ هِنْدٌ بِنْتُ عُتْبَةَ بْنِ رَبِيعَةَ فَقَالَتْ: يَا رَسُولَ اللهِ! [وَاللهِ] مَا كَانَ عَلَىٰ ظَهْرِ الْأَرْضِ خِبَاءٌ أَحَبَّ إِلَيَّ [مِنْ] أَنْ يَذِلُّوا مِنْ أَهْلِ خِبَائِكَ، وَمَا أَصْبَحَ الْيَوْمَ عَلَىٰ ظَهْرِ الْأَرْضِ خِبَاءٌ أَحَبَّ إِلَيَّ [مِنْ] أَنْ يَعِزُّوا مِنْ أَهْلِ خِبَائِكَ، فَقَالَ رَسُولُ اللهِ ﷺ: «وَأَيْضًا، وَالَّذِي نَفْسِي بِيَدِهِ!»، ثُمَّ قَالَتْ: يَا رَسُولَ اللهِ! إِنَّ أَبَا سُفْيَانَ رَجُلٌ مِسِّيكٌ، فَهَلْ عَلَيَّ حَرَجٌ مِنْ أَنْ أُطْعِمَ مِنَ الَّذِي لَهُ، عِيَالَنَا؟ قَالَ لَهَا: «لَا، إِلَّا بِالْمَعْرُوفِ».

## Chapter 5. The Prohibition Of asking too much with no need. The prohibition Of withholding the rights of others and asking of them, which means refusing to give others their rights and asking for that to which one is not entitled

## (المعجم ٥) - (بَابُ النهي عن كثرة المسائل من غير حاجة. والنهي عن منع وهات، وهو الامتناع من أداء حق لزمه أو طلب ما لا يستحقه)

(التحفة ٥)

**[4481] 10 - (1715)** It was narrated that Abû Hurairah said: The Messenger of Allâh ﷺ said:

**[٤٤٨١] ١٠-(١٧١٥)** وَحَدَّثَنَا زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا جَرِيرٌ عَنْ سُهَيْلٍ، عَنْ

أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «إِنَّ اللهَ يَرْضَىٰ لَكُمْ ثَلَاثًا وَيَكْرَهُ لَكُمْ ثَلَاثًا: فَيَرْضَىٰ لَكُمْ أَنْ تَعْبُدُوهُ وَلَا تُشْرِكُوا بِهِ شَيْئًا، وَأَنْ تَعْتَصِمُوا بِحَبْلِ اللهِ جَمِيعًا وَلَا تَفَرَّقُوا، وَيَكْرَهُ لَكُمْ قِيلَ وَقَالَ، وَكَثْرَةَ السُّؤَالِ، وَإِضَاعَةَ الْمَالِ».

"Allâh likes three things for you and dislikes three things for you. He likes for you to worship Him and not associate anything with Him, and to hold fast to the rope of Allâh altogether and not be divided; and He dislikes for you to gossip, to ask too much and to waste money."

**[٤٤٨٢] ١١-(...) وحَدَّثَنَا** شَيْبَانُ ابْنُ فَرُّوخَ: أَخْبَرَنَا أَبُو عَوَانَةَ عَنْ سُهَيْلٍ بِهَـٰذَا الْإِسْنَادِ، مِثْلَهُ، غَيْرَ أَنَّهُ قَالَ: وَيَسْخَطُ لَكُمْ ثَلَاثًا، وَلَمْ يَذْكُرْ: وَلَا تَفَرَّقُوا.

**[4482] 11 - (...)** A similar report (as no. 4483) was narrated from Suhail with this chain, except that he said: (The Prophet ﷺ said:) He does not like three things for you. And he did not mention: and do not be divided.

**[٤٤٨٣] ١٢-(٥٩٣) وحَدَّثَنَا** إِسْحَٰقُ ابْنُ إِبْرَاهِيمَ الْحَنْظَلِيُّ: أَخْبَرَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنِ الشَّعْبِيِّ، عَنْ وَرَّادٍ مَوْلَى الْمُغِيرَةِ بْنِ شُعْبَةَ، عَنِ الْمُغِيرَةِ بْنِ شُعْبَةَ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «إِنَّ اللهَ عَزَّ وَجَلَّ حَرَّمَ عَلَيْكُمْ عُقُوقَ الْأُمَّهَاتِ، وَوَأْدَ الْبَنَاتِ وَمَنْعًا وَهَاتِ، وَكَرِهَ لَكُمْ ثَلَاثًا: قِيلَ وَقَالَ، وَكَثْرَةَ السُّؤَالِ، وَإِضَاعَةَ الْمَالِ». [١٣٣٨]

**[4483] 12 - (593)** It was narrated from Al-Mughîrah bin Shu'bah that the Messenger of Allâh ﷺ said: "Allâh has forbidden to you disobedience to mothers, burying daughters alive, and withholding the rights of others and asking of them. And He dislikes three things for you: gossip, asking too much and wasting money."

**[٤٤٨٤] (...) حَدَّثَنِي** الْقَاسِمُ بْنُ زَكَرِيَّاءَ: حَدَّثَنِي عُبَيْدُ اللهِ بْنُ مُوسَىٰ عَنْ شَيْبَانَ، عَنْ مَنْصُورٍ بِهَـٰذَا الْإِسْنَادِ، مِثْلَهُ، غَيْرَ أَنَّهُ قَالَ: وَحَرَّمَ عَلَيْكُمْ رَسُولُ اللهِ ﷺ، وَلَمْ يَقُلْ: إِنَّ اللهَ حَرَّمَ عَلَيْكُمْ.

**[4484] (...)** A similar report (as no. 4483) was narrated from Manṣûr with this chain, except that he said: the Messenger of Allâh ﷺ forbade to you, and he did not say: Allâh forbade to you.

**[4485] 13 - (...)** It was narrated from Ash-Sha'bî: The scribe of Al-Mughîrah bin Shu'bah told me: Mushahwiyah wrote to Al-Mughîrah (saying): Write for me something that you heard from the Messenger of Allâh ﷺ. He wrote to him: I heard the Messenger of Allâh ﷺ say: "Allâh dislikes three things for you: gossip, wasting money and asking too much."

**[٤٤٨٥] ١٣-(. . .)** وَحَدَّثَنَا أَبُو بَكْرِ ابْنُ أَبِي شَيْبَةَ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ عُلَيَّةَ عَنْ خَالِدٍ الْحَذَّاءِ: حَدَّثَنِي ابْنُ أَشْوَعَ عَنِ الشَّعْبِيِّ: حَدَّثَنِي كَاتِبُ الْمُغِيرَةِ بْنِ شُعْبَةَ قَالَ: كَتَبَ مُعَاوِيَةُ إِلَىٰ الْمُغِيرَةِ: اكْتُبْ إِلَيَّ بِشَيْءٍ سَمِعْتَهُ مِنْ رَسُولِ اللهِ ﷺ، فَكَتَبَ إِلَيْهِ: أَنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «إِنَّ اللهَ كَرِهَ لَكُمْ ثَلَاثًا: قِيلَ وَقَالَ، وَإِضَاعَةَ الْمَالِ، وَكَثْرَةَ السُّؤَالِ».

**[4486] 14 - (...)** It was narrated that Warrâd said: Al-Mughîrah wrote to Mushahwiyah: I heard the Messenger of Allâh ﷺ say: "Allâh has forbidden three things and disallowed three things. He has forbidden disobedience to parents, burying daughters alive and withholding the rights of others and asking of them; and He has disallowed three things: gossip, asking too much and wasting money."

**[٤٤٨٦] ١٤-(. . .)** وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ الْفَزَارِيُّ، عَنْ مُحَمَّدِ بْنِ سُوقَةَ: أَخْبَرَنَا مُحَمَّدُ بْنُ عُبَيْدِ اللهِ الثَّقَفِيُّ عَنْ وَرَّادٍ قَالَ: كَتَبَ الْمُغِيرَةُ إِلَىٰ مُعَاوِيَةَ: سَلَامٌ عَلَيْكَ، أَمَّا بَعْدُ، فَإِنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «إِنَّ اللهَ حَرَّمَ ثَلَاثًا، وَنَهَىٰ عَنْ ثَلَاثٍ: حَرَّمَ عُقُوقَ الْوَالِدِ، وَوَأْدَ الْبَنَاتِ، وَلَا وَهَاتِ، وَنَهَىٰ عَنْ ثَلَاثٍ: قِيلٍ وَقَالٍ، وَكَثْرَةِ السُّؤَالِ، وَإِضَاعَةِ الْمَالِ».

## Chapter 6. The reward of the judge if he strives to reach a decision, whether he gets it right or wrong

## (المعجم ٦) - (بَابُ بيان أجر الحاكم إذا اجتهد، فأصاب أو أخطأ)

(التحفة ٦)

**[4487] 15 - (1716)** It was narrated from 'Amr bin Al-'Âs

**[٤٤٨٧] ١٥-(١٧١٦)** حَدَّثَنِي يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ: أَخْبَرَنَا عَبْدُ الْعَزِيزِ بْنُ

that he heard the Messenger of Allâh ﷺ say: "If a judge passes a judgment, having striven to reach a decision, and he gets it right, he will have two rewards. If he passes a judgment, having striven to reach a decision, and he gets it wrong, he will have one reward."

مُحَمَّدٍ، عَنْ يَزِيدَ بْنِ عَبْدِ اللهِ بْنِ أُسَامَةَ بْنِ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ أَبِي قَيْسٍ مَوْلَى عَمْرِو بْنِ الْعَاصِ، عَنْ عَمْرِو بْنِ الْعَاصِ أَنَّهُ سَمِعَ رَسُولَ اللهِ ﷺ قَالَ: «إِذَا حَكَمَ الْحَاكِمُ فَاجْتَهَدَ ثُمَّ أَصَابَ، فَلَهُ أَجْرَانِ، وَإِذَا حَكَمَ فَاجْتَهَدَ، ثُمَّ أَخْطَأَ، فَلَهُ أَجْرٌ».

**[4488] (...)** A similar report (as no. 4487) was narrated from 'Abdul-'Azîz bin Muḥammad, and at the end of the *Ḥadîth* he added: Yazîd said: I narrated this *Ḥadîth* to Abû Bakr bin Muḥammad bin 'Amr bin Ḥazm, and he said: This is what Abû Salamah narrated to me from Abû Hurairah.

[٤٤٨٨] (...) **وحَدَّثَني** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَمُحَمَّدُ بْنُ أَبِي عُمَرَ، كِلَاهُمَا، عَنْ عَبْدِ الْعَزِيزِ بْنِ مُحَمَّدٍ بِهَٰذَا الْإِسْنَادِ، مِثْلَهُ، وَزَادَ فِي عَقِبِ الْحَدِيثِ: قَالَ يَزِيدُ: فَحَدَّثْتُ هَٰذَا الْحَدِيثَ أَبَا بَكْرِ بْنَ مُحَمَّدِ بْنِ عَمْرِو ابْنِ حَزْمٍ، فَقَالَ: هَٰكَذَا حَدَّثَنِي أَبُو سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ.

**[4489] (...)** Yazîd bin 'Abdullâh bin Usâmah bin Al-Hâd Al-Laithi narrated a *Ḥadîth* like that of 'Abdul-'Azîz bin Muḥammad (no. 4488), with both chains.

[٤٤٨٩] (...) **وحَدَّثَني** عَبْدُ اللهِ بْنُ عَبْدِ الرَّحْمَٰنِ الدَّارِمِيُّ: أَخْبَرَنَا مَرْوَانُ يَعْنِي ابْنَ مُحَمَّدٍ الدِّمَشْقِيَّ: حَدَّثَنَا اللَّيْثُ بْنُ سَعْدٍ: حَدَّثَنِي يَزِيدُ بْنُ عَبْدِ اللهِ بْنِ أُسَامَةَ بْنِ الْهَادِ اللَّيْثِيُّ بِهَٰذَا الْحَدِيثِ، مِثْلَ رِوَايَةِ عَبْدِ الْعَزِيزِ ابْنِ مُحَمَّدٍ، بِالْإِسْنَادَيْنِ جَمِيعًا.

## Chapter 7. It is Disliked for a judge to pass a judgment when he is angry

## (المعجم ٧) - (بَابُ كراهة قضاء القاضي وهو غضبان) (التحفة ٧)

**[4490] 16 - (1717)** It was narrated that 'Abdur-Raḥmân bin Abî Bakrah said: My father wrote

[٤٤٩٠] **١٦-(١٧١٧) حَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا أَبُو عَوَانَةَ، عَنْ عَبْدِ

- and I wrote it down for him - to 'Ubaidullâh bin Abî Bakrah, who was the Qâzî of Sijistan, (telling him): Do not pass judgment between two people when you are angry, for I heard the Messenger of Allâh ﷺ say: "No one should pass judgment between two people when he is angry."

الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ أَبِي بَكْرَةَ قَالَ: كَتَبَ أَبِي - وَكَتَبْتُ لَهُ - إِلَىٰ عُبَيْدِ اللهِ بْنِ أَبِي بَكْرَةَ وَهُوَ قَاضٍي سِجِسْتَانَ: أَنْ لَا تَحْكُمَ بَيْنَ اثْنَيْنِ وَأَنْتَ غَضْبَانُ، فَإِنِّي سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ: «لَا يَحْكُمْ أَحَدٌ بَيْنَ اثْنَيْنِ وَهُوَ غَضْبَانُ».

**[4491] (...)** A *Hadîth* like that of Abû 'Awânah (no. 4490) was narrated from 'Abdur-Rahmân bin Abî Bakrah, from his father, from the Prophet ﷺ.

**[٤٤٩١] (...) وحَدَّثَناه** يَحْيَى بْنُ يَحْيَىٰ: أَخْبَرَنَا هُشَيْمٌ؛ وَحَدَّثَنَا شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّىٰ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ؛ وَحَدَّثَنَا عُبَيْدُ اللهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي، كِلَاهُمَا، عَنْ شُعْبَةَ؛ وَحَدَّثَنَا أَبُو كُرَيْبٍ: حَدَّثَنَا حُسَيْنُ ابْنُ عَلِيٍّ عَنْ زَائِدَةَ، كُلُّ هٰؤُلَاءِ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ: بِمِثْلِ حَدِيثِ أَبِي عَوَانَةَ.

## Chapter 8. Rejection of wrong rulings and of newly-invented matters

## (المعجم ٨) - (بَابُ نقض الأحكام الباطلة، وردّ محدثات الأمور)

(التحفة ٨)

**[4492] 17 - (1718)** It was narrated that 'Âishah said: The Messenger of Allâh ﷺ said:

**[٤٤٩٢] ١٧-(١٧١٨) حَدَّثَنَا** أَبُو جَعْفَرٍ مُحَمَّدُ بْنُ الصَّبَّاحِ وَعَبْدُ اللهِ ابْنُ

"Whoever introduces something into this matter of ours that is not part of it will have it rejected."

عَوْنٍ الْهِلَالِيُّ، جَمِيعًا، عَنْ إِبْرَاهِيمَ بْنِ سَعْدٍ، قَالَ ابْنُ الصَّبَّاحِ: حَدَّثَنَا إِبْرَاهِيمُ ابْنُ سَعْدِ بْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَٰنِ بْنِ عَوْفٍ: حَدَّثَنَا أَبِي عَنِ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللهِ ﷺ: «مَنْ أَحْدَثَ فِي أَمْرِنَا هَٰذَا مَا لَيْسَ مِنْهُ فَهُوَ رَدٌّ».

**[4493] 18 - (...)** It was narrated that Sa'd bin Ibrâhîm said: I asked Al-Qâsim bin Muhammad about a man who had three dwellings and left a will concerning one third of each dwelling. He said: That could all be combined in one dwelling. Then he said: 'Âishah told me that the Messenger of Allâh ﷺ said: "Whoever does something that is not in accordance with this matter of ours will have it rejected."

**[٤٤٩٣] ١٨-(...) حَدَّثَنَا** إِسْحَٰقُ بْنُ إِبْرَاهِيمَ وَعَبْدُ بْنُ حُمَيْدٍ، جَمِيعًا عَنْ أَبِي عَامِرٍ، قَالَ عَبْدٌ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ عَمْرٍو: حَدَّثَنَا عَبْدُ اللهِ بْنُ جَعْفَرٍ الزُّهْرِيُّ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ قَالَ: سَأَلْتُ الْقَاسِمَ بْنَ مُحَمَّدٍ عَنْ رَجُلٍ لَهُ ثَلَاثُ مَسَاكِنَ، فَأَوْصَىٰ بِثُلُثِ كُلِّ مَسْكَنٍ مِنْهَا، قَالَ: يُجْمَعُ ذَٰلِكَ كُلُّهُ فِي مَسْكَنٍ وَاحِدٍ، ثُمَّ قَالَ: أَخْبَرَتْنِي عَائِشَةُ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ».

## Chapter 9. The best of witnesses

## (المعجم ٩) - (بَابُ بيان خير الشهود) (التحفة ٩)

**[4494] 19 - (1719)** It was narrated from Zaid bin Khâlid Al-Juhanî that the Prophet ﷺ said: "Shall I not tell you of the best of witnesses?" The one who gives his testimony before being asked for it."

**[٤٤٩٤] ١٩-(١٧١٩) حَدَّثَنَا** يَحْيَىٰ ابْنُ يَحْيَىٰ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ عَبْدِ اللهِ بْنِ أَبِي بَكْرٍ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللهِ بْنِ عَمْرِو بْنِ عُثْمَانَ، عَنِ ابْنِ أَبِي عَمْرَةَ الْأَنْصَارِيِّ، عَنْ زَيْدِ بْنِ خَالِدٍ

الْجُهَنِيِّ: أَنَّ النَّبِيَّ ﷺ قَالَ: «أَلَا أُخْبِرُكُمْ بِخَيْرِ الشُّهَدَاءِ؟ الَّذِي يَأْتِي بِشَهَادَتِهِ قَبْلَ أَنْ يُسْأَلَهَا».

## Chapter 10. Differences between *Mujtahid*

## (المعجم ١٠) - (بَابُ اخْتِلَافِ الْمُجْتَهِدِينَ) (التحفة ١٠)

**[4495] 20 - (1720)** It was narrated from Abû Hurairah that the Prophet ﷺ said: "There were two women who had their sons with them. The wolf came and took away the son of one of them, and she said to her companion: 'The wolf has taken your son.' The other said: No, it has taken your son. They referred for judgment to Dâwûd ﷺ, and he ruled in favor of the elder woman. They went out to Sulaimân, the son of Dâwûd ﷺ, and told him about that, and he said: 'Bring me a knife and I will divide him between you.' The younger woman said: 'No, may Allâh have mercy on you! He is her son.' So he ruled in favor of the younger woman."

**[٤٤٩٥] ٢٠-(١٧٢٠) حَدَّثَنِي** زُهَيْرُ ابْنُ حَرْبٍ: حَدَّثَنَا شَبَابَةُ: حَدَّثَنِي وَرْقَاءُ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «بَيْنَمَا امْرَأَتَانِ مَعَهُمَا ابْنَاهُمَا، جَاءَ الذِّئْبُ فَذَهَبَ بِابْنِ إِحْدَاهُمَا، فَقَالَتْ هَٰذِهِ لِصَاحِبَتِهَا: إِنَّمَا ذَهَبَ بِابْنِكِ أَنْتِ، وَقَالَتِ الْأُخْرَىٰ: إِنَّمَا ذَهَبَ بِابْنِكِ، فَتَحَاكَمَتَا إِلَىٰ دَاوُدَ - عليه الصَّلاةُ والسلام - فَقَضَىٰ بِهِ لِلْكُبْرَىٰ، فَخَرَجَتَا عَلَىٰ سُلَيْمَانَ ابْنِ دَاوُدَ - عَلَيْهِمَا الصَّلاةُ وَالسَّلَامُ - فَأَخْبَرَتَاهُ، فَقَالَ: ائْتُونِي بِالسِّكِّينِ أَشُقُّهُ بَيْنَكُمَا، فَقَالَتِ الصُّغْرَىٰ: لَا، يَرْحَمُكَ اللهُ هُوَ ابْنُهَا، فَقَضَىٰ بِهِ لِلصُّغْرَىٰ».

قَالَ: قَالَ أَبُو هُرَيْرَةَ: وَاللهِ! إِنْ سَمِعْتُ بِالسِّكِّينِ قَطُّ إِلَّا يَوْمَئِذٍ، مَا كُنَّا نَقُولُ إِلَّا الْمُدْيَةَ.

**[4496] (...)** A *Hadîth* like that of Warqâ' (no. 4495) was narrated from Abû Az-Zinnâd with this chain.

**[٤٤٩٦] (...) وَحَدَّثَنِيهِ** سُوَيْدُ بْنُ سَعِيدٍ: حَدَّثَنِي حَفْصٌ يَعْنِي ابْنَ مَيْسَرَةَ الصَّنْعَانِيَّ عَنْ مُوسَى بْنِ عُقْبَةَ؛ وَحَدَّثَنَا

أُمَيَّةُ بْنُ بِسْطَامَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا رَوْحٌ وَهُوَ ابْنُ الْقَاسِمِ عَنْ مُحَمَّدِ بْنِ عَجْلَانَ، جَمِيعًا، عَنْ أَبِي الزِّنَادِ بِهَٰذَا الإِسْنَادِ، مِثْلَ مَعْنَىٰ حَدِيثِ وَرْقَاءَ.

## Chapter 11. It is recommended for a judge to reconcile between disputants

## (المعجم ١١) - (بَابُ استحباب إصلاح الحاكم بين الخصمين)

(التحفة ١١)

**[4497] 21 - (1721)** It was narrated that Hammâm bin Munabbih said: This is what Abû Hurairah narrated to us from the Messenger of Allâh ﷺ. He mentioned a number of *Aḥâdîth*, including the following: The Messenger of Allâh ﷺ said: "A man bought some property from another man, and the man who had bought the property found therein a jar full of gold. The one who had bought the property said to him: 'Take your gold from me, for I only bought the land from you, and I did not buy the gold from you.' The one who had sold the land said: 'I sold you the land and whatever is in it.' They referred to another man for judgment and one of them said: 'I have a son.' The other said: 'I have a daughter.' He said: 'Let the son marry the daughter, and spend some of it on yourselves and give some in charity.'"

**[٤٤٩٧] ٢١-(١٧٢١)** وَحَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَٰذَا مَا حَدَّثَنَا أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللهِ ﷺ، فَذَكَرَ أَحَادِيثَ مِنْهَا: وَقَالَ رَسُولُ اللهِ ﷺ: «اشْتَرَىٰ رَجُلٌ مِنْ رَجُلٍ عَقَارًا لَهُ، فَوَجَدَ الرَّجُلُ الَّذِي اشْتَرَىٰ الْعَقَارَ فِي عَقَارِهِ جَرَّةً فِيهَا ذَهَبٌ، فَقَالَ لَهُ الَّذِي اشْتَرَى الْعَقَارَ: خُذْ ذَهَبَكَ مِنِّي، إِنَّمَا اشْتَرَيْتُ مِنْكَ الْأَرْضَ، وَلَمْ أَبْتَعْ مِنْكَ الذَّهَبَ، فَقَالَ الَّذِي شَرَى الْأَرْضَ: إِنَّمَا بِعْتُكَ الْأَرْضَ وَمَا فِيهَا، قَالَ: فَتَحَاكَمَا إِلَىٰ رَجُلٍ، فَقَالَ الَّذِي تَحَاكَمَا إِلَيْهِ: أَلَكُمَا وَلَدٌ؟ فَقَالَ أَحَدُهُمَا: لِي غُلَامٌ، وَقَالَ الْآخَرُ: لِي جَارِيَةٌ، قَالَ: أَنْكِحُوا الْغُلَامَ الْجَارِيَةَ. وَأَنْفِقُوهُ عَلَىٰ أَنْفُسِكُمَا مِنْهُ، وَتَصَدَّقَا».

# 31. The Book Of Lost Property

# ١٦ - (المعجم ٣١) - كتاب اللقطة (التحفة ١٩)

## Chapter... [sic]. Memorizing the features of the bag and strap, and the ruling on lost sheep and camels

## (المعجم . . .) - (باب: معرفة العفاص والوكاء وحكم ضالة الغنم والإبل) (التحفة ١)

**[4498] 1 - (1722)** It was narrated that Zaid bin Khâlid Al-Juhanî said: A man came to the Prophet ﷺ and asked about picking up lost items. He said: "Memorize the features of its bag and strap, and announce it for a year. Then if its owner comes (give it to him), otherwise it is yours." He said: What about a lost sheep? He (ﷺ) said: "It is either for you or your brother or for the wolf." He said: What about a lost camel? He (ﷺ) said: "What have you to do with it? It has its water supply and its feet, and it can come to the water and eat from the trees, until its master finds it."

**[٤٤٩٨] ١-(١٧٢٢)** حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَٰنِ، عَنْ يَزِيدَ مَوْلَى الْمُنْبَعِثِ، عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ أَنَّهُ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَسَأَلَهُ عَنِ اللُّقَطَةِ؟ فَقَالَ: «اعْرِفْ عِفَاصَهَا وَوِكَاءَهَا، ثُمَّ عَرِّفْهَا سَنَةً، فَإِنْ جَاءَ صَاحِبُهَا، وَإِلَّا فَشَأْنَكَ بِهَا»، قَالَ: فَضَالَّةُ الْغَنَمِ؟ قَالَ: «لَكَ أَوْ لِأَخِيكَ أَوْ لِلذِّئْبِ»، قَالَ: فَضَالَّةُ الْإِبِلِ؟ قَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا سِقَاؤُهَا وَحِذَاؤُهَا، تَرِدُ الْمَاءَ وَتَأْكُلُ الشَّجَرَ، حَتَّىٰ يَلْقَاهَا رَبُّهَا».

قَالَ يَحْيَىٰ: أَحْسِبُ قَرَأْتُ: عِفَاصَهَا.

**[4499] 2 - (...)** It was narrated from Zaid bin Khâlid Al-Juhanî that a man asked the Messenger of Allâh ﷺ about picking up lost items. He (ﷺ) said: "Announce

**[٤٤٩٩] ٢-(. . .)** وحَدَّثَنَا يَحْيَى بْنُ أَيُّوبَ وَقُتَيْبَةُ وَابْنُ حُجْرٍ - قَالَ ابْنُ حُجْرٍ: أَخْبَرَنَا، وَقَالَ الْآخَرَانِ: حَدَّثَنَا -

it for one year, then memorize the features of its strap and bag, then spend from it. Then if its owner comes, pay him back." He said: O Messenger of Allâh, what about a lost sheep? He (ﷺ) said: "Take it, for it will be either for you, for your brother or for the wolf." He said: O Messenger of Allâh, what about a lost camel? He (the narrator) said: The Messenger of Allâh ﷺ became so angry that his cheeks turned red - or his face turned red - and he (ﷺ) said: "What have you to do with it? It has its feet and its water supply until its owner finds it."

إِسْمَاعِيلُ، وَهُوَ ابْنُ جَعْفَرٍ عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَٰنِ، عَنْ يَزِيدَ مَوْلَى الْمُنْبَعِثِ، عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ أَنَّ رَجُلًا سَأَلَ رَسُولَ اللهِ ﷺ عَنِ اللُّقَطَةِ؟ فَقَالَ: «عَرِّفْهَا سَنَةً، ثُمَّ اعْرِفْ وِكَاءَهَا وَعِفَاصَهَا، ثُمَّ اسْتَنْفِقْ بِهَا، فَإِنْ جَاءَ رَبُّهَا فَأَدِّهَا إِلَيْهِ» فَقَالَ: يَا رَسُولَ اللهِ! فَضَالَّةُ الْغَنَمِ؟ قَالَ: خُذْهَا، فَإِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذِّئْبِ، قَالَ: يَا رَسُولَ اللهِ! فَضَالَّةُ الإِبِلِ؟ قَالَ: فَغَضِبَ رَسُولُ اللهِ ﷺ حَتَّى احْمَرَّتْ وَجْنَتَاهُ - أَوِ احْمَرَّ وَجْهُهُ - ثُمَّ قَالَ: «مَا لَكَ وَلَهَا؟ مَعَهَا حِذَاؤُهَا وَسِقَاؤُهَا حَتَّىٰ يَلْقَاهَا رَبُّهَا».

**[4500] 3 - (...)** Rabî'ah bin 'Abdur-Raḥmân narrated a *Ḥadîth* like that of Mâlik (no. 4498) with this chain, except that he added: A man came to the Messenger of Allâh ﷺ when I was with him and asked him about picking up lost items. And he said: 'Amr said in the *Ḥadîth*: (The Prophet ﷺ said:) "If no one comes looking for it, then spend it."

[٤٥٠٠] ٣-(...) **حَدَّثَنِي** أَبُو الطَّاهِرِ: أَخْبَرَنَا عَبْدُ اللهِ بْنُ وَهْبٍ: أَخْبَرَنِي سُفْيَانُ الثَّوْرِيُّ وَمَالِكُ بْنُ أَنَسٍ وَعَمْرُو بْنُ الْحَارِثِ وَغَيْرُهُمْ؛ أَنَّ رَبِيعَةَ بْنَ أَبِي عَبْدِ الرَّحْمَٰنِ حَدَّثَهُمْ بِهَٰذَا الْإِسْنَادِ؛ مِثْلَ حَدِيثِ مَالِكٍ، غَيْرَ أَنَّهُ زَادَ: قَالَ: أَتَى رَجُلٌ رَسُولَ اللهِ ﷺ وَأَنَا مَعَهُ، فَسَأَلَهُ عَنِ اللُّقَطَةِ؟ وقَالَ: قَالَ عَمْرٌو فِي الْحَدِيثِ: «فَإِذَا لَمْ يَأْتِ لَهَا طَالِبٌ فَاسْتَنْفِقْهَا».

**[4501] 4 - (...)** Zaid bin Khâlid Al-Juhanî said: A man came to the Messenger of Allâh ﷺ... and

[٤٥٠١] ٤-(...) **وحَدَّثَنِي** أَحْمَدُ ابْنُ عُثْمَانَ بْنِ حَكِيمٍ الْأَوْدِيُّ: حَدَّثَنَا

he mentioned a *Hadîth* like that of Ismâ'îl bin Ja'far (no. 4499), except that he said: His face and forehead turned red and he became angry. And after the words ...'Announce it for a year" he (the sub-narrator) added, "then if its owner does not come, it is a trust with you."

خَالِدُ بْنُ مَخْلَدٍ: حَدَّثَنِي سُلَيْمَانُ وَهُوَ ابْنُ بِلَالٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَٰنِ، عَنْ يَزِيدَ مَوْلَى الْمُنْبَعِثِ قَالَ: سَمِعْتُ زَيْدَ بْنَ خَالِدِ الْجُهَنِيَّ يَقُولُ: أَتَىٰ رَجُلٌ رَسُولَ اللهِ ﷺ، فَذَكَرَ نَحْوَ حَدِيثِ إِسْمَاعِيلَ بْنِ جَعْفَرٍ، غَيْرَ أَنَّهُ قَالَ: فَاحْمَارَّ وَجْهُهُ وَجَبِينُهُ، وَغَضِبَ، وَزَادَ - بَعْدَ قَوْلِهِ: ثُمَّ عَرِّفْهَا سَنَةً -: «فَإِنْ لَمْ يَجِيءْ صَاحِبُهَا كَانَتْ وَدِيعَةً عِنْدَكَ».

**[4502] 5 - (...)** It was narrated from Yazîd, the freed slave of Al-Munba'ith, that he heard Zaid bin Khâlid Al-Juhanî, the Companion of the Messenger of Allâh ﷺ, say: The Messenger of Allâh ﷺ was asked about picking up lost gold and silver. He (ﷺ) said: "Memorize the features of its strap and bag, then announce it for one year. If you do not find [its owner] then spend it, but it is a trust with you. If some day its owner comes looking for it, then pay him back." And he asked him about a lost camel. He said: "What have you to do with it? Let it be, for it has its feet and water supply with it, and it seeks water and eats the trees, until its master finds it." And he asked him about a lost sheep. He said: "Take it, for it is either for you, for your brother or for the wolf."

**[٤٥٠٢] ٥-(...) وَحَدَّثَنَا** عَبْدُ اللهِ ابْنُ مَسْلَمَةَ بْنِ قَعْنَبٍ: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ يَزِيدَ مَوْلَى الْمُنْبَعِثِ أَنَّهُ سَمِعَ زَيْدَ بْنَ خَالِدٍ الْجُهَنِيَّ صَاحِبَ رَسُولِ اللهِ ﷺ يَقُولُ: سُئِلَ رَسُولُ اللهِ ﷺ عَنِ اللُّقَطَةِ الذَّهَبِ أَوِ الْوَرِقِ؟ فَقَالَ: «اعْرِفْ وِكَاءَهَا وَعِفَاصَهَا، ثُمَّ عَرِّفْهَا سَنَةً، فَإِنْ لَمْ تَعْرِفْ فَاسْتَنْفِقْهَا، وَلْتَكُنْ وَدِيعَةً عِنْدَكَ، فَإِنْ جَاءَ طَالِبُهَا يَوْمًا مِنَ الدَّهْرِ فَأَدِّهَا إِلَيْهِ» وَسَأَلَهُ عَنْ ضَالَّةِ الإِبِلِ؟ فَقَالَ: «مَالَكَ وَلَهَا؟ دَعْهَا، فَإِنَّ مَعَهَا حِذَاءَهَا وَسِقَاءَهَا، تَرِدُ الْمَاءَ وَتَأْكُلُ الشَّجَرَ، حَتَّى يَجِدَهَا رَبُّهَا» وَسَأَلَهُ عَنِ الشَّاةِ؟ فَقَالَ: «خُذْهَا، فَإِنَّمَا هِيَ لَكَ أَوْ لِأَخِيكَ أَوْ لِلذِّئْبِ».

**[4503] 6 - (...)** It was narrated from Yazîd, the freed slave of Al-Munba'ith, from Zaid bin Khâlid Al-Juhanî, that a man asked the Prophet ﷺ about a lost camel. Rabî'ah added: He (ﷺ) became so angry that his cheeks turned red... and he quoted a *Hadîth* similar to their (no. 4502), and added (that the Prophet ﷺ said:) "If its owner comes and recognizes its bag, amount and strap, then give it to him, otherwise it is yours."

[٤٥٠٣] ٦-(...) **حَدَّثَنِي** إِسْحٰقُ ابْنُ مَنْصُورٍ: أَخْبَرَنَا حَبَّانُ بْنُ هِلَالٍ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ: حَدَّثَنِي يَحْيَى بْنُ سَعِيدٍ وَرَبِيعَةُ الرَّأْيِ ابْنُ أَبِي عَبْدِ الرَّحْمٰنِ، عَنْ يَزِيدَ مَوْلَى الْمُنْبَعِثِ، عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ؛ أَنَّ رَجُلًا سَأَلَ النَّبِيَّ ﷺ عَنْ ضَالَّةِ الإِبِلِ؟ زَادَ رَبِيعَةُ: فَغَضِبَ حَتَّى احْمَرَّتْ وَجْنَتَاهُ، وَاقْتَصَّ الْحَدِيثَ بِنَحْوِ حَدِيثِهِمْ، وَزَادَ: «فَإِنْ جَاءَ صَاحِبُهَا فَعَرَفَ عِفَاصَهَا، وَعَدَدَهَا وَوِكَاءَهَا، فَأَعْطِهَا إِيَّاهُ. وَإِلَّا، فَهِيَ لَكَ».

**[4504] 7 - (...)** It was narrated that Zaid bin Khâlid Al-Juhanî said: The Messenger of Allâh ﷺ was asked about picking up lost items. He said: "Announce it for one year, then if it is not recognized (i.e., claimed), memorize the features of its bag and strap, then consume it, but if its owner comes, pay it back."

[٤٥٠٤] ٧-(...) **وحَدَّثَنِي** أَبُو الطَّاهِرِ أَحْمَدُ بْنُ عَمْرِو بْنِ سَرْحٍ: أَخْبَرَنِي عَبْدُ اللهِ بْنُ وَهْبٍ: حَدَّثَنِي الضَّحَّاكُ بْنُ عُثْمَانَ، عَنْ أَبِي النَّضْرِ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ زَيْدِ بْنِ خَالِدٍ الْجُهَنِيِّ قَالَ: سُئِلَ رَسُولُ اللهِ ﷺ عَنِ اللُّقَطَةِ؟ فَقَالَ: «عَرِّفْهَا سَنَةً، فَإِنْ لَمْ تُعْتَرَفْ، فَاعْرِفْ عِفَاصَهَا وَوِكَاءَهَا، ثُمَّ كُلْهَا، فَإِنْ جَاءَ صَاحِبُهَا فَأَدِّهَا إِلَيْهِ».

**[4505] 8 - (...)** Ad-Dahhâk bin 'Uthmân narrated it with this chain (a *Hadîth* similar to no. 4504), and he said in the *Hadîth*: "If it is recognized, then pay it

[٤٥٠٥] ٨-(...) **وَحَدَّثَنِيهِ** إِسْحٰقُ ابْنُ مَنْصُورٍ: أَخْبَرَنَا أَبُو بَكْرٍ الْحَنَفِيُّ: حَدَّثَنَا الضَّحَّاكُ بْنُ عُثْمَانَ، بِهٰذَا

back, otherwise memorize the features of its strap, bag, container and amount."

الْإِسْنَادِ، وَقَالَ فِي الْحَدِيثِ: «فَإِنِ اعْتُرِفَتْ فَأَدِّهَا، وَإِلَّا فَاعْرِفْ عِفَاصَهَا وَوِكَاءَهَا وَوِعَاءَهَا وَعَدَدَهَا».

**[4506] 9 - (1723)** It was narrated that Salamah bin Kuhayl said: I heard Suwaid bin Ghafalah say: I went out with Zaid bin Ṣûḥân and Salmân bin Rabî'ah on a campaign, and I found a whip and picked it up. They said to me: Leave it. I said: No, but I will announce it. If its owner comes (I will give it to him), otherwise I will make use of it. I refused (to pay heed to them). When we came back from our campaign, it was decreed that I would go for *Hajj*. I came to Al-Madînah and met Ubayy bin Ka'b, and I told him about the whip and what they had said. He said: At the time of the Messenger of Allâh ﷺ I found a moneybag in which there was one hundred Dînâr. I brought it to the Messenger of Allâh ﷺ and he said: "Announce it for one year." So I announced it, but no one came forward to claim it. I came to him again and he said: "Announce it for one year," but no one came forward to claim it. Then I came to him again and he said, "Announce it for one year." So I announced it, but no one came forward to claim it. Then he said: "Memorize its number, and the features of its bag and

**[٤٥٠٦] ٩-(١٧٢٣) وحَدَّثَنَا** مُحَمَّدُ ابْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ؛ وَحَدَّثَنِي أَبُو بَكْرِ بْنُ نَافِعٍ - وَاللَّفْظُ لَهُ -: حَدَّثَنَا غُنْدَرٌ: حَدَّثَنَا شُعْبَةُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ قَالَ: سَمِعْتُ سُوَيْدَ بْنَ غَفَلَةَ قَالَ: خَرَجْتُ أَنَا وَزَيْدُ بْنُ صُوحَانَ وَسَلْمَانُ بْنُ رَبِيعَةَ غَازِينَ، فَوَجَدْتُ سَوْطًا فَأَخَذْتُهُ، فَقَالَا لِي: دَعْهُ، فَقُلْتُ: لَا، وَلٰكِنْ أُعَرِّفُهُ، فَإِنْ جَاءَ صَاحِبُهُ، وَإِلَّا اسْتَمْتَعْتُ بِهِ، قَالَ: فَأَبَيْتُ عَلَيْهِمَا، فَلَمَّا رَجَعْنَا مِنْ غَزَاتِنَا، قُضِيَ لِي أَنِّي حَجَجْتُ، فَأَتَيْتُ الْمَدِينَةَ، فَلَقِيتُ أُبَيَّ بْنَ كَعْبٍ، فَأَخْبَرْتُهُ بِشَأْنِ السَّوْطِ وَبِقَوْلِهِمَا، فَقَالَ: إِنِّي وَجَدْتُ صُرَّةً فِيهَا مِائَةُ دِينَارٍ عَلَىٰ عَهْدِ رَسُولِ اللهِ ﷺ، فَأَتَيْتُ بِهَا رَسُولَ اللهِ ﷺ، فَقَالَ: «عَرِّفْهَا حَوْلًا» قَالَ: فَعَرَّفْتُهَا فَلَمْ أَجِدْ مَنْ يَعْرِفُهَا، ثُمَّ أَتَيْتُهُ فَقَالَ: «عَرِّفْهَا حَوْلًا» فَلَمْ أَجِدْ مَنْ يَعْرِفُهَا، ثُمَّ أَتَيْتُهُ فَقَالَ: «عَرِّفْهَا حَوْلًا» [فَعَرَّفْتُهَا] فَلَمْ أَجِدْ مَنْ يَعْرِفُهَا، فَقَالَ: «احْفَظْ عَدَدَهَا وَوِعَاءَهَا

strap, then if its owner comes (give it to him), otherwise make use of it." So I made use of it.

I met him in Makkah after that and he said: I do not know if it was three years or one year.

وَوِكَاءَهَا، فَإِنْ جَاءَ صَاحِبُهَا، وَإِلَّا فَاسْتَمْتِعْ بِهَا» فَاسْتَمْتَعْتُ بِهَا.

فَلَقِيتُهُ بَعْدَ ذَلِكَ بِمَكَّةَ فَقَالَ: لَا أَدْرِي بِثَلَاثَةِ أَحْوَالٍ أَوْ حَوْلٍ وَاحِدٍ.

**[4507]** **(...)** Suwaid bin Ghafalah said: I went out with Zaid bin Ṣûḥân and Salmân bin Rabî'ah, and I found a whip... and he narrated a similar *Ḥadîth* (as no. 4506), up to the words: so I made use of it. Shu'bah (a sub-narrator) said: And I heard him ten years later saying: I announced it for one year.

[٤٥٠٧] (...) **وحَدَّثني** عَبْدُ الرَّحْمَٰنِ بْنُ بِشْرٍ الْعَبْدِيُّ: حَدَّثَنَا بَهْزٌ: حَدَّثَنَا شُعْبَةُ: أَخْبَرَنِي سَلَمَةُ بْنُ كُهَيْلٍ أَوْ أَخْبَرَ الْقَوْمَ وَأَنَا فِيهِمْ، قَالَ: سَمِعْتُ سُوَيْدَ بْنَ غَفَلَةَ قَالَ: خَرَجْتُ مَعَ زَيْدِ بْنِ صُوحَانَ وَسَلْمَانَ بْنِ رَبِيعَةَ، فَوَجَدْتُ سَوْطًا، وَاقْتَصَّ الْحَدِيثَ بِمِثْلِهِ، إِلَىٰ قَوْلِهِ: فَاسْتَمْتَعْتُ بِهَا، قَالَ شُعْبَةُ: فَسَمِعْتُهُ بَعْدَ عَشْرِ سِنِينَ يَقُولُ: عَرَّفَهَا عَامًا وَاحِدًا.

**[4508]** **10 - (...)** A *Ḥadîth* like that of Shu'bah (no. 4507) was narrated from Salamah bin Kuhayl with this chain. In the *Ḥadîth* of both of them it says: three years, except for Ḥammâd bin Salamah, in whose *Ḥadîth* it says: for two or three years. In the *Ḥadîth* of Salmân and Zaid bin Abî Unaysah and Ḥammâd bin Salamah it says: "If someone comes and describes to you its number, its bag and its strap, then give it to him." Sufyân added in the report of Wakî': "Otherwise, it is like your own property." In the report of Ibn

[٤٥٠٨] ١٠-(...) **وحَدَّثَنَا** قُتَيْبَةُ ابْنُ سَعِيدٍ: حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ؛ وَحَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي، جَمِيعًا، عَنْ سُفْيَانَ؛ وَحَدَّثَنِي مُحَمَّدُ ابْنُ حَاتِمٍ: حَدَّثَنَا عَبْدُ اللهِ بْنُ جَعْفَرٍ الرَّقِّيُّ: حَدَّثَنَا عُبَيْدُ اللهِ يَعْنِي ابْنَ عُمَرَ عَنْ زَيْدِ بْنِ أَبِي أُنَيْسَةَ؛ وَحَدَّثَنِي عَبْدُ الرَّحْمَٰنِ بْنُ بِشْرٍ: حَدَّثَنَا بَهْزٌ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ، كُلُّ هَٰؤُلَاءِ عَنْ سَلَمَةَ بْنِ

كُهَيْلٍ بِهَٰذَا الإِسْنَادِ، نَحْوَ حَدِيثِ شُعْبَةَ، وَفِي حَدِيثِهِمْ جَمِيعًا: ثَلَاثَةَ أَحْوَالٍ، إِلَّا حَمَّادَ بْنَ سَلَمَةَ فَإِنَّ فِي حَدِيثِهِ: عَامَيْنِ أَوْ ثَلَاثَةً، وَفِي حَدِيثِ سُفْيَانَ وَزَيْدِ بْنِ أَبِي أُنَيْسَةَ وَحَمَّادِ بْنِ سَلَمَةَ: «فَإِنْ جَاءَ أَحَدٌ يُخْبِرُكَ بِعَدَدِهَا وَوِعَائِهَا وَوِكَائِهَا، فَأَعْطِهَا إِيَّاهُ»، وَزَادَ سُفْيَانُ فِي رِوَايَةِ وَكِيعٍ: «وَإِلَّا فَهِيَ كَسَبِيلِ مَالِكَ»، وَفِي رِوَايَةِ ابْنِ نُمَيْرٍ: «وَإِلَّا فَاسْتَمْتِعْ بِهَا».

Numair it says: "Otherwise, make use of it."

## (المعجم ١) - (بَابٌ فِي لقطة الحاج) (التحفة ٢)

## Chapter 1. Picking up property lost by a pilgrim

**[٤٥٠٩] ١١-(١٧٢٤) وَحَدَّثَنِي** أَبُو الطَّاهِرِ وَيُونسُ بْنُ عَبْدِ الْأَعْلَىٰ قَالَا: حَدَّثَنَا عَبْدُاللهِ بْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو ابْنُ الْحَارِثِ عَنْ بُكَيْرِ بْنِ عَبْدِ اللهِ بْنِ الْأَشَجِّ، عَنْ يَحْيَى بْنِ عَبْدِ الرَّحْمَٰنِ بْنِ حَاطِبٍ، عَنْ عَبْدِ الرَّحْمَٰنِ بْنِ عُثْمَانَ التَّيْمِيِّ؛ أَنَّ رَسُولَ اللهِ ﷺ نَهَىٰ عَنْ لُقَطَةِ الْحَاجِّ.

**[4509] 11 - (1724)** It was narrated from 'Abdur-Raḥmân bin 'Uthmân At-Taimî that the Messenger of Allâh ﷺ forbade picking up property lost by a pilgrim.

**[٤٥١٠] ١٢-(١٧٢٥) وحَدَّثَنِي** أَبُو الطَّاهِرِ وَيُونُسُ بْنُ عَبْدِ الْأَعْلَىٰ قَالَا: حَدَّثَنَا عَبْدُاللهِ بْنُ وَهْبٍ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ بَكْرِ ابْنِ سَوَادَةَ، عَنْ أَبِي سَالِمٍ الْجَيْشَانِيِّ، عَنْ زَيْدِ بْنِ

**[4510] 12 - (1725)** It was narrated from Zaid bin Khâlid Al-Juhanî that the Messenger of Allâh ﷺ said: "Whoever finds a lost item is himself lost, unless he announces it."

خَالِدٍ الْجُهَنِيِّ عَنْ رَسُولِ اللهِ ﷺ قَالَ: «مَنْ آوَىٰ ضَالَّةً فَهُوَ ضَالٌّ، مَا لَمْ يُعَرِّفْهَا».

## Chapter 2. Milking the animals is unlawful if the owner has not given permission

(المعجم ٢) - (بَابُ تحريم حلب الماشية بغير إذن مالكها) (التحفة ٣)

**[4511] 13 - (1726)** It was narrated from Ibn 'Umar that the Messenger of Allâh ﷺ said: No one should milk the animals of another person without his permission. Would one of you like his store to be raided and his vessels to be broken into and his food to be taken? The udders of their livestock also store up food for them, so no one should milk the animals of another person without his permission."

[٤٥١١] ١٣-(١٧٢٦) حَدَّثَنَا يَحْيَى ابْنُ يَحْيَى التَّمِيمِيُّ قَالَ: قَرَأْتُ عَلَىٰ مَالِكٍ [بْنِ أَنَسٍ]، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللهِ ﷺ قَالَ: «لَا يَحْلُبَنَّ أَحَدٌ مَاشِيَةَ أَحَدٍ إِلَّا بِإِذْنِهِ، أَيُحِبُّ أَحَدُكُمْ أَنْ تُؤْتَىٰ مَشْرَبَتُهُ، فَتُكْسَرَ خِزَانَتُهُ، فَيُنْتَقَلَ طَعَامُهُ؟ فَإِنَّمَا تَخْزُنُ لَهُمْ ضُرُوعُ مَوَاشِيهِمْ أَطْعِمَتَهُمْ، فَلَا يَحْلُبَنَّ أَحَدٌ مَاشِيَةَ أَحَدٍ إِلَّا بِإِذْنِهِ».

**[4512] (...)** A *Hadîth* like that of Mâlik (no. 4511) was narrated from Nâfi' from Ibn 'Umar, from the Prophet ﷺ, except that in their *Hadîth* it says: "...to be thrown on the floor," except for Al-Laith bin Sa'd, in whose *Hadîth* it says: "...or his food to be taken," as in the report of Mâlik.

[٤٥١٢] (...) وحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَمُحَمَّدُ بْنُ رُمْحٍ، جَمِيعًا عَنِ اللَّيْثِ بْنِ سَعْدٍ؛ وَحَدَّثَنَاهُ أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ؛ وَحَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا أَبِي، كِلَاهُمَا، عَنْ عُبَيْدِ اللهِ؛ وَحَدَّثَنِي أَبُو الرَّبِيعِ وَأَبُو كَامِلٍ قَالَا: حَدَّثَنَا حَمَّادٌ؛ وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عُلَيَّةَ، جَمِيعًا، عَنْ أَيُّوبَ؛ وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ: حَدَّثَنَا سُفْيَانُ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ؛ وَحَدَّثَنَا

مُحَمَّدُ ابْنُ رَافِعٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنْ أَيُّوبَ وَابْنُ جُرَيْجٍ عَنْ مُوسَىٰ، كُلُّ هٰؤُلَاءِ، عَنْ نَافِعٍ، عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ مَالِكٍ، غَيْرَ أَنَّ فِي حَدِيثِهِمْ جَمِيعًا «فَيُنْتَثَلُ» إِلَّا اللَّيْثَ بْنَ سَعْدٍ فَإِنَّ فِي حَدِيثِهِ «فَيُنْتَقَلُ طَعَامُهُ» كَرِوَايَةِ مَالِكٍ.

## Chapter 3. Hospitality etc.

## (المعجم ٣) - (بَابُ الضيافة ونحوها) (التحفة ٤)

**[4513] 14 - (48)** It was narrated that Abû Shurayḥ Al-'Adawi said: My ears heard and my eyes saw, when the Messenger of Allâh ﷺ spoke and said: "Whoever believes in Allâh and the Last Day, let him honor his guest with full hospitality." They said: What is full hospitality, O Messenger of Allâh? He said: "One day and one night, and hospitality is for three days, and anything beyond that is charity towards him." And he (ﷺ) said: "Whoever believes in Allâh and the Last Day, let him speak well or else remain silent."

**[٤٥١٣] ١٤-(٤٨)** حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: أَخْبَرَنَا لَيْثٌ عَنْ سَعِيدِ ابْنِ أَبِي سَعِيدٍ، عَنْ أَبِي شُرَيْحٍ الْعَدَوِيِّ أَنَّهُ قَالَ: سَمِعَتْ أُذُنَايَ، وَأَبْصَرَتْ عَيْنَايَ، حِينَ تَكَلَّمَ رَسُولُ اللهِ ﷺ فَقَالَ: «مَنْ كَانَ يُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ، فَلْيُكْرِمْ ضَيْفَهُ جَائِزَتَهُ»، قَالُوا: وَمَا جَائِزَتُهُ؟ يَا رَسُولَ اللهِ! قَالَ: «يَوْمُهُ وَلَيْلَتُهُ، وَالضِّيَافَةُ: ثَلَاثَةُ أَيَّامٍ، فَمَا كَانَ وَرَاءَ ذٰلِكَ فَهُوَ صَدَقَةٌ عَلَيْهِ»، وَقَالَ: «ومَنْ كَانَ يُؤْمِنُ بِاللهِ وَالْيَوْمِ الْآخِرِ فَلْيَقُلْ خَيْرًا أَوْ لِيَصْمُتْ».

[راجع: ١٧٦]

**[4514] 15 - (...)** It was narrated that Abû Shurayh Al-Khuzâ'i said: The Messenger of Allâh ﷺ said: "Hospitality is for three

**[٤٥١٤] ١٥-(...)** حَدَّثَنَا أَبُو كُرَيْبٍ مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ عَنْ سَعِيدِ بْنِ

days, and full hospitality is for one day and one night. It is not permissible for a Muslim man to stay with his brother until he causes him to sin." They said: O Messenger of Allâh, how could he cause him to sin? He said: "When he stays with him until there is nothing left with which to entertain him."

**[4515] 16 - (...)** Abû Shurayḥ Al-Khuzâ'i said: My ears heard, my eyes saw and my heart understood, when the Messenger of Allâh ﷺ spoke of it... and he narrated a *Ḥadîth* like that of Al-Laith (no. 4513), in which he said: "It is not permissible for any one of you to stay with his brother until he causes him to sin," as in the *Ḥadîth* of Wakî' (no.4514).

**[4516] 17 - (1727)** It was narrated that 'Uqbah bin 'Âmir said: We said: O Messenger of Allâh, you send us and we stay with people who do not show us hospitality. What do you think? The Messenger of Allâh ﷺ said to us: "If you stay with a people and they order that you be offered what is befitting to a guest, then accept it, and if they do not do that, then take from

أَبِي سَعِيدٍ الْمَقْبُرِيِّ، عَنْ أَبِي شُرَيْحٍ الْخُزَاعِيِّ قَالَ: قَالَ رَسُولُ اللهِ ﷺ: «الضِّيَافَةُ: ثَلَاثَةُ أَيَّامٍ، وَجَائِزَتُهُ: يَوْمٌ وَلَيْلَةٌ، وَلَا يَحِلُّ لِرَجُلٍ مُسْلِمٍ أَنْ يُقِيمَ عِنْدَ أَخِيهِ حَتَّىٰ يُؤْثِمَهُ»، قَالُوا: يَا رَسُولَ اللهِ! وَكَيْفَ يُؤْثِمُهُ؟ قَالَ: «يُقِيمُ عِنْدَهُ، وَلَا شَيْءَ لَهُ يَقْرِيهِ بِهِ».

**[٤٥١٥] ١٦-(...) حَدَّثَناه** مُحَمَّدُ ابْنُ الْمُثَنَّىٰ: حَدَّثَنَا أَبُو بَكْرٍ - يَعْنِي الْحَنَفِيَّ-: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ: حَدَّثَنِي سَعِيدٌ الْمَقْبُرِيُّ أَنَّهُ سَمِعَ أَبَا شُرَيْحٍ الْخُزَاعِيَّ يَقُولُ: سَمِعَتْ أُذُنَايَ، وَبَصُرَ عَيْنِي، وَوَعَاهُ قَلْبِي، حِينَ تَكَلَّمَ بِهِ رَسُولُ اللهِ ﷺ، فَذَكَرَ بِمِثْلِ حَدِيثِ اللَّيْثِ، وَذَكَرَ فِيهِ: «وَلَا يَحِلُّ لِأَحَدِكُمْ أَنْ يُقِيمَ عِنْدَ أَخِيهِ حَتَّىٰ يُؤْثِمَهُ» بِمِثْلِ مَا فِي حَدِيثِ وَكِيعٍ.

**[٤٥١٦] ١٧-(١٧٢٧) حَدَّثَنَا** قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا لَيْثٌ؛ وَحَدَّثَنَا مُحَمَّدُ بْنُ رُمْحٍ: أَخْبَرَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ أَنَّهُ قَالَ: قُلْنَا: يَا رَسُولَ اللهِ! إِنَّكَ تَبْعَثُنَا فَنَنْزِلُ بِقَوْمٍ فَلَا يَقْرُونَنَا، فَمَا تَرَىٰ؟ فَقَالَ لَنَا رَسُولُ اللهِ ﷺ: «إِنْ نَزَلْتُمْ بِقَوْمٍ

them the right of a guest that is due to him."

فَأْمُرُوا لَكُمْ بِمَا يَنْبَغِي لِلضَّيْفِ، فَاقْبَلُوا، فَإِنْ لَمْ يَفْعَلُوا، فَخُذُوا مِنْهُمْ حَقَّ الضَّيْفِ الَّذِي يَنْبَغِي لَهُمْ».

**Chapter 4. It is recommended to spend surplus wealth**

(المعجم ٤) - **(بَابُ استحباب المؤاساة بفضول المال)** (التحفة ٢٠ - المغازي: ١)

**[4517] 18 - (1728)** It was narrated that Abû Sa'eed Al-Khudrî said: Whilst we were on a journey with the Prophet ﷺ, a man came to him on a mount of his and started looking to his right and left. The Messenger of Allâh ﷺ said: "Whoever has a surplus mount, let him give it to one who has no mount, and whoever has surplus provisions, let him give them to one who has no provisions."

He mentioned various kinds of wealth, until we thought that none of us had any right to any kind of surplus.

**[٤٥١٧] ١٨-(١٧٢٨)** حَدَّثَنَا شَيْبَانُ ابْنُ فَرُّوخَ: حَدَّثَنَا أَبُو الْأَشْهَبِ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: بَيْنَمَا نَحْنُ فِي سَفَرٍ مَعَ النَّبِيِّ ﷺ، إِذْ جَاءَهُ رَجُلٌ عَلَىٰ رَاحِلَةٍ لَهُ، قَالَ: فَجَعَلَ يَصْرِفُ بَصَرَهُ يَمِينًا وَشِمَالًا، فَقَالَ رَسُولُ اللهِ ﷺ: «مَنْ كَانَ مَعَهُ فَضْلُ ظَهْرٍ فَلْيَعُدْ بِهِ عَلَىٰ مَنْ لَا ظَهْرَ لَهُ، وَمَنْ كَانَ لَهُ فَضْلٌ مِنْ زَادٍ فَلْيَعُدْ بِهِ عَلَىٰ مَنْ لَا زَادَ لَهُ».

قَالَ: فَذَكَرَ مِنْ أَصْنَافِ الْمَالِ مَا ذَكَرَ، حَتَّىٰ رَأَيْنَا أَنَّهُ لَا حَقَّ لِأَحَدٍ مِنَّا فِي فَضْلٍ.

**Chapter 5. It is recommended to mix provisions if they are few, and to share them out**

(المعجم ٥) - **(بَابُ استحباب خلط الأزواد إذا قلّت، والمؤاساة فيها)** (التحفة ٢)

**[4518] 19 - (1729)** Iyâs bin Salamah narrated that his father said: We went out with the Messenger of Allâh ﷺ on a

**[٤٥١٨] ١٩-(١٧٢٩)** حَدَّثَنِي أَحْمَدُ ابْنُ يُوسُفَ الْأَزْدِيُّ: حَدَّثَنَا النَّضْرُ -

campaign, and we faced hardship, so much so that we thought of slaughtering some of our mounts. The Prophet of Allâh ﷺ ordered us to gather together our provisions, then we spread out a sheet of leather and he gathered together the people's provisions on that leather sheet. I measured it and found that it was the size of a spot where a goat could sit, and we were fourteen hundred men. We ate until we were all had our hunger satisfied, then we filled our bags. The Prophet of Allâh ﷺ said: "Is there any water for *Wuḍû'*?" A man brought a small bucket in which there was a drop of water, and poured it into a bowl. We all did *Wuḍû'*, using water plentifully, fourteen hundred men.

Then after that eight men came and said: Is there any water for *Wuḍû'*? And the Messenger of Allâh ﷺ said: "(The water for) *Wuḍû'* is finished."

يَعْنِي: ابْنَ مُحَمَّدٍ - الْيَمَامِيَّ: حَدَّثَنَا عِكْرِمَةُ وَهُوَ ابْنُ عَمَّارٍ: حَدَّثَنَا إِيَاسُ بْنُ سَلَمَةَ عَنْ أَبِيهِ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللهِ ﷺ فِي غَزْوَةٍ، فَأَصَابَنَا جَهْدٌ، حَتَّىٰ هَمَمْنَا أَنْ نَنْحَرَ بَعْضَ ظَهْرِنَا، فَأَمَرَ نَبِيُّ اللهِ ﷺ فَجَمَعْنَا تَزْوَادَنَا، فَبَسَطْنَا لَهُ نِطَعًا، فَاجْتَمَعَ زَادُ الْقَوْمِ عَلَىٰ النِّطَعِ، قَالَ: فَتَطَاوَلْتُ لِأَحْزُرَهُ كَمْ هُوَ؟ فَحَزَرْتُهُ كَرَبْضَةِ الْعَنْزِ، وَنَحْنُ أَرْبَعَ عَشْرَةَ مِائَةً، قَالَ: فَأَكَلْنَا حَتَّىٰ شَبِعْنَا جَمِيعًا، ثُمَّ حَشَوْنَا جُرُبَنَا، فَقَالَ نَبِيُّ اللهِ ﷺ: «هَلْ مِنْ وَضُوءٍ؟» قَالَ: فَجَاءَ رَجُلٌ بِإِدَاوَةٍ [لَهُ،] فِيهَا نُطْفَةٌ، فَأَفْرَغَهَا فِي قَدَحٍ، فَتَوَضَّأْنَا كُلُّنَا، نُدَغْفِقُهُ دَغْفَقَةً، أَرْبَعَ عَشْرَةَ مِائَةً.

قَالَ: ثُمَّ جَاءَ بَعْدَ [ذَٰلِكَ] ثَمَانِيَةٌ فَقَالُوا: هَلْ مِنْ طَهُورٍ؟ فَقَالَ رَسُولُ اللهِ ﷺ: «فَرِغَ الْوَضُوءُ».